

SIXTY-FOURTH DAY

(Wednesday, May 24, 1967)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Kennard

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Hightower.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 181, to the Committee on Privileges and Elections.

H. B. No. 1161, to the Committee on Counties, Cities and Towns.

H. B. No. 688, to the Committee on Counties, Cities and Towns.

H. B. No. 266, to the Committee on Counties, Cities and Towns.

Senate Bill 626 on First Reading

Senator Strong moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hall	Watson
Hardeman	Wilson
Harrington	Word
Herring	

Absent

Hazlewood

Absent—Excused

Kennard

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Strong:

S. B. No. 626, A bill to be entitled "An Act relating to the selection of the Boards of Directors of the Cypress Valley Navigation District, the Newton County Navigation District, the Middle Sabine River Navigation District, and the Deep East Texas Navigation District; amending Section 4, Chapter 715, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-340, Vernon's Texas Civil Statutes), Section 4, Chapter 645, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-337, Vernon's Texas Civil Statutes), Section 4, Chapter 23, Acts of the 59th Legislature, Regular Session, 1965, as amended, and Section 4, Chapter 319, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-299, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Resolution 708

Senator Hall offered the following resolution:

Whereas, One of the outstanding travel publications in the country, VENTURE, is toasting Texas in its June/July 1967 issue; and

Whereas, Feature articles include "Time Out For Texas," by Arnold Ehrlich, which calls Texas a state of constant enjoyment; "San Antonio: Beyond the Alamo," by Gordon Greer, the third of a series of articles on "Surprising Cities of the United States;" "A Quiet Kind of Texas," by R. C. Phelan, which turns to the Texas pastoral scene; and "Texas: P.S. from a Native-son," by Larry L. King, who makes the comment that if the alphabet were twice as long, there'd still be words for Texas; and

Whereas, A regular section of the magazine, entitled Venture Guide, also contributes to Texas memorabilia with a discussion by Jean Anderson about "Deep in the Arts of Texas," which does much to convince the reader that Texas is a place of culture with its fine arts galleries and its music and performing arts, and that Texans are proud of their heritage as indicated by the unique and lovely historic sites and buildings which have been preserved throughout the State; and

Whereas, On Thursday, May 25, Venture Magazine editor Curtiss Anderson and Publisher Gilbert C. Maurer are honoring Governor John Connally and the State of Texas by presenting to the Governor the first copy of the Texas issue of the magazine; are welcoming top government officials and outstanding citizens from Austin, Dallas, Houston, San Antonio, and other points throughout the State in Austin on this occasion; and have extended special invitations to the NASA astronauts; and

Whereas, The Senate of the State of Texas of the 60th Legislature wishes to express appreciation to Editor Curtiss Anderson and Publisher Gilbert C. Maurer on behalf of all the people of Texas for the recognition that Venture Magazine has given to our State; now, therefore, be it

Resolved, By the Senate of the State of Texas that its gratitude be extended to the Editor, Publisher, and entire staff of Venture Magazine for

devoting the June/July issue to Texas; and, be it further

Resolved, That a copy of this Resolution be sent to Editor Curtiss Anderson and Publisher Gilbert C. Maurer in token of the appreciation of the Senate and the people of Texas for the attention which this leading travel magazine has given to Texas.

The resolution was read and was adopted.

House Concurrent Resolution 54
Re-referred

On motion of Senator Creighton, and by unanimous consent H. C. R. No. 54 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Privileges and Elections.

Motion to Re-refer House Bill 67

Senator Jordan asked unanimous consent that H. B. No. 67 be withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Departments and Institutions.

There was objection.

Senator Jordan moved that H. B. No. 67 be withdrawn from the Committee on Jurisprudence and be re-referred to the Committee on State Departments and Institutions.

The motion was lost by the following vote:

Yeas—12

Bernal	Hightower
Brooks	Jordan
Christie	Mauzy
Cole	Patman
Harrington	Schwartz
Hazlewood	Word

Nays—16

Aikin	Hardeman
Bates	Herring
Berry	Parkhouse
Blanchard	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hall	Watson

Absent

Moore	Wilson
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Absent—Excused

Kennard

Reports of Standing Committees

Senator Hall submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 1161, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
CHRISTIE
WORD

Senator Creighton submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections to which was referred H. C. R. No. 54, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.
HAZLEWOOD
BLANCHARD
CONNALLY
HARDEMAN
RATLIFF
REAGAN
WADE
WORD

Senator Watson submitted the following reports:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance to which was referred H. B. No. 838, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.
COLE

BLANCHARD
STRONG
MAUZY
WADE
CONNALLY
PARKHOUSE
BATES
BERRY
REAGAN
WORD
AIKIN
HIGHTOWER
CREIGHTON

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance to which was referred H. B. No. 731, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.
COLE
STRONG
BLANCHARD
MAUZY
WADE
CONNALLY
PARKHOUSE
BATES
BERRY
REAGAN
WORD
AIKIN
HIGHTOWER
CREIGHTON

Senator Christie submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 1164, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice Chairman.
BATES
BERRY
BROOKS
CONNALLY
WADE

Senator Hall submitted the following reports:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred S. B. No. 626, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
WORD
CHRISTIE

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 688, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
WORD
CHRISTIE

Senator Creighton submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections to which was referred H. B. No. 181, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.
HAZLEWOOD
BLANCHARD
CONNALLY
HARDEMAN
MOORE
RATLIFF
REAGAN
WADE
WORD

Senator Hall submitted the following report:

Austin, Texas,
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 757, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.
WORD
CHRISTIE

House Bill 1161 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 1161 was ordered not printed.

Motion to Record Vote

Senator Bernal asked unanimous consent to be recorded as voting "Nay" on the concurrence in House amendments to S. B. No. 335.

There was objection.

Senate Bill 546 With House Amendments

Senator Herring called S. B. No. 546 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend S. B. No. 546 by striking all of Section 1 and substituting in lieu thereof the following:

Section 1. Chapter III, Article 12 of The Texas Banking Code of 1943, codified as Article 342-312, Vernon's Texas Civil Statutes, is hereby amended so as to hereafter read as follows:

"Art. 12. Amendment of Articles of Association—Rights of Stockholders Upon Increase in Capital—Stock Option Plans. Subject to the provisions of this Code, any state bank may amend its articles of association for any lawful purpose.

"If the owners of record of two-thirds of the capital stock, at any regular meeting of stockholders, or any special meeting called for that purpose, vote to amend the charter, the board of directors shall prepare, execute in the manner provided for the execution of articles of associa-

tion, and file with the Commissioner an amendment to the articles of association.

"If the Commission finds that the amendment is not violative of law and does not prejudice the interest of depositors and creditors or the public, he shall approve such amendment and deliver to the bank a certified copy thereof, and said amendment shall thereupon become effective; provided, however, that if a state bank does not have the power to receive demand deposits, no amendments of its articles of association adopting any power provided under subsections (a), (b), (c), (d), or (f) of Article 1 of this Chapter and no amendment changing the domicile of any state bank shall be effective until approved by the State Banking Board in the manner provided for the approval of an original application for charter. Any state bank may amend its articles of association to extend its corporate existence for a perpetual period or for any period of years.

"Each stockholder of a state bank shall be entitled to his proportionate part of any increase of stock effected out of surplus funds or undivided profits, and shall be entitled to subscribe for his proportionate share of any capital increase to be paid in cash; provided, however, that each stockholder or his assignee, in event he elects to assign such rights of subscription, shall subscribe for and pay the amount of such subscription to the corporation within ten (10) days after the stockholders have adopted such amendment, otherwise the board of directors may allocate the unsubscribed or unpaid portion of the increase among the other stockholders or otherwise as they deem to the best interest of the bank.

"With prior approval of the owners of records of two-thirds of the capital stock, shares of stock in a bank may be allocated to or purchased by the bank out of its surplus which is not certified or out of its undivided profits to be held in trust by the bank for fulfilling the requirements of an officer or employee stock option plan, whereby officers or employees, or both, of the bank are given options to purchase shares of the bank's capital stock at a specified price. Stock held by the bank for such purpose shall be deemed treasury stock, and the number of shares so held shall not, at any time, exceed five per

cent (5%) of the total number of shares outstanding in the hands of other stockholders. Stock options authorized under this Article may not extend beyond a period of ten years from the date of issuance and shall otherwise qualify as restricted stock options under Section 421 of the Internal Revenue Code of 1954, as it may be amended from time to time. No officer or employee who owns or controls more than five per cent (5%) of the bank's capital stock shall be eligible to participate or to continue participation in a stock option plan as authorized by this Article."

Committee Amendment 2

Amend S. B. No. 546 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled "An Act amending Chapter III, Article 12, being a part of the Texas Banking Code of 1943, the same being Chapter 97, Acts of the 48th Legislature, Regular Session, 1943; and adding a new section to Chapter III, as amended, to be known as Article 14; authorizing stock option plans for state banks, with certain restrictions; providing for perpetual or limited corporate existence for state banks; providing that amendments to Articles of Association of State Banks changing the domicile of any state bank shall be approved by the State Banking Board and further providing that no state bank shall hereafter move its domicile without prior approval of the State Banking Board; providing a savings clause; providing for severability; providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict only; and declaring an emergency."

The House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Blanchard
Bates	Brooks
Bernal	Christie
Berry	Cole

Connally	Mauzy
Creighton	Parkhouse
Grover	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Schwartz
Hazlewood	Strong
Herring	Wade
Hightower	Watson
Jordan	Word

Absent

Moore Wilson

Absent—Excused

Kennard

House Bill 838 Ordered Not Printed

On motion of Senator Mauzy and by unanimous consent H. B. No. 838 was ordered not printed.

Message From the House

Hall of the House of Representatives

Austin, Texas,

May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1016, A bill to be entitled "An Act to amend Article 734b, Penal Code of Texas, so as to provide for six members of the State Board of Hairdressers and Cosmetologists to be appointed by the Governor by and with the advice and consent of the Senate; and declaring an emergency."

H. B. No. 220, A bill to be entitled "An Act creating a State Board for the Preservation of Scientific Areas, empowering State Agencies to acquire scientific areas, and declaring an emergency."

H. C. R. No. 147, Creating the Coastal Bend Water Planning Committee, determining its membership and composition, prescribing its functions, authorizing the study of water conditions and water needs in the South Texas area, and requesting recommendations and suggested legislation to be presented to the 61st Legislature.

H. C. R. No. 150, In memory of Roy Taylor Stockman.

H. B. No. 89, A bill to be entitled

"An Act relating to voter registration and voter identification procedures at the polls; amending the Texas Election Code as follows: Amending Section 34 (Article 5.02); adding a new Section 43a-1; amending Section 44a (Article 5.12a); amending Section 45a (Article 5.13a); amending Section 46a (Article 5.14a); adding a new Section 46b; amending Section 48a (Article 5.16a); amending Section 50a (Article 5.18a); amending Section 51a (Article 5.19a); amending Subsection 2, Section 51b (Article 5.19b); amending Section 52a (Article 5.20a); amending Section 54a (Article 5.22a); amending Section 89 (Article 8.07); and amending Section 90 (Article 8.08); and declaring an emergency."

H. B. No. 198, A bill to be entitled "An Act to make unlawful any discrimination against any person by the state or any political subdivision of the state because of race, creed, color, or national origin; providing for enforcement and providing for the creation of a Civil Rights Division in the office of the Attorney General; providing that violation of this Act shall constitute a misdemeanor and prescribing the penalty upon conviction thereof; providing that violation of this Act by any public official or employee shall constitute grounds for removal from office or dismissal; providing for severability; repealing Chapter 283, Acts of the 55th Legislature, Regular Session, 1957, compiled as Article 2900a, Vernon's Texas Civil Statutes; Chapter 287, Acts of the 55th Legislature, Regular Session, 1957, compiled as Article 2901a, Vernon's Texas Civil Statutes; Chapter 7, Acts of the 55th Legislature, Second Called Session, 1957, compiled as Article 2906-1, Vernon's Texas Civil Statutes; Chapter 8, Acts of the 55th Legislature, Second Called Session, 1957, compiled as Article 2906-2, Vernon's Texas Civil Statutes; Chapter 20, Acts of the 55th Legislature, Second Called Session, 1957, compiled as Article 2906-3, Vernon's Texas Civil Statutes, and all other laws and parts of laws in conflict with the provisions of this Act; and declaring an emergency."

H. B. No. 602, A bill to be entitled "An Act amending Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended by Chapter 398, Acts of the 59th Legislature, Regular Session and codified in Ver-

non's as Article 200a, Vernon's Texas Civil Statutes, by adding thereto a new section to be numbered Section 11 so as to authorize supplementary compensation for performing duties as Presiding Judges of Administrative Judicial Districts; fixing the maximum amount of such supplementary compensation; making other provisions relating thereto; providing for a repealing clause; providing a severability clause; and declaring an emergency."

S. C. R. No. 25, Authorizing the Governor to designate persons to attend the Seventh World Petroleum Congress.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 54 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. C. R. No. 54 was ordered not printed.

House Bill 757 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 757 was ordered not printed.

Reports of Standing Committees

Senator Hightower by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1078, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 266, have had the

same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
CHRISTIE
WORD

House Bill 1164 Ordered Not Printed

On motion of Senator Berry and by unanimous consent H. B. No. 1164 was ordered not printed.

Senate Bill 237 With House Amendment

Senator Cole called S. B. No. 237 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment S. B. 237

Amend S. B. 237 by striking all below the enacting clause and substituting therefor the following:

"Section 1. This Act may be cited as the 'Clean Air Act of Texas, 1967.' It is the purpose of this Act to safeguard the air resources of the state from pollution by controlling or abating air pollution consistent with the protection of health, general welfare and physical property of the people, operation of existing industries and the economic development of the state."

"Sec. 2. The following terms as used in this Act shall, unless the context otherwise requires, have the following meanings:

"(A) 'Air contaminant' means particulate matter, dust, fumes, gas, mist, smoke, vapor or odor, or any combination thereof produced by processes other than natural.

"(B) 'Source' is any and all points of origin of the items defined in Section 2(A), whether privately or publicly owned or operated.

"(C) 'Undesirable levels' of the items defined in Section 2 (A) hereof is the presence in the atmosphere, as limited by Section 4(C) hereof, of one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect humans, animal life, vegetation

or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property.

"(D) 'Air pollution' means the presence in the atmosphere of undesirable levels of air contaminants.

"(E) 'Board' is the Texas Air Control Board created by this Act.

"(F) 'Person' is any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity or their legal representatives, agents or assigns."

"Sec. 3. (A) There is hereby created and established a Texas Air Control Board which shall be composed of nine members. The board is directed to carry out the functions and duties conferred on it by this Act. The six members of the Texas Air Control Board appointed by the Governor under the provisions of Section (3A), Chapter 687, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-4, Vernon's Texas Civil Statutes), upon their confirmation by the Senate, are hereby constituted members of the board created by this Act. These members shall continue to serve until the expiration of their appointive terms, and until a successor has been appointed and has qualified. As the terms of office of the members appointed under the provisions of Section 3(A), Chapter 687, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-4, Vernon's Texas Civil Statutes), expire, the Governor, with the advice and consent of the Senate, shall appoint six members so that the Governor's appointees on the board created by this Act will consist of one appointee who is a professional engineer with at least ten years' experience in the actual practice of his profession, which experience shall include work in air control; one appointee who is a physician licensed to practice in this state, currently engaged in general practice in this state, with experience in the field of industrial medicine; one appointee who has been actively engaged in the management of a private manufacturing or industrial concern for at least ten years immediately prior to his appointment; one appointee who is experienced in the field of municipal government; and two appointees who are chosen from the general public. The Governor

shall make appointments for six-year terms.

"(B) Vacancies occurring in any such office of the board filled by appointment by the Governor during any term shall, with the advice and consent of the Senate, be filled by appointment by the Governor, which appointment shall extend only to the end of the unexpired term.

"(C) The nine members of the board shall receive no fixed salary for duties performed as members of the board but each member, excepting those representing the specified state agencies, shall be allowed, for each and every day in attendance at meetings or on authorized business of the board, the sum of \$25 including time spent in travel to and from such meetings or authorized business and all members shall be allowed traveling and other necessary expenses while in the performance of official duty, to be evidenced by vouchers approved by the executive secretary. The members of the board appointed by the Governor and confirmed by the Senate shall qualify by taking the constitutional oath of office before an officer authorized to administer an oath within this state, and, upon presentation of such oath, together with the certificate of appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such.

"(D) In addition to the six members appointed by the Governor as provided herein, the board shall also consist of the following state officers, each of whom shall be an ex officio member of said board during the time that he is serving in such other official capacity, to wit; the State Commissioner of Health, the Executive Director of the Texas Industrial Commission, and the Executive Director of the Texas Animal Health Commission, each of whom shall perform the duties required of a member of the board by this Act, as additional duties of his other office.

"(E) Each ex officio member of the board listed in Paragraph (D) above is authorized to delegate to a personal representative from his office the authority and duty to represent him on the board. Said personal representative shall serve at the will of said ex officio member of the board, but by such delegation a member shall

not be relieved of responsibility for the acts and decisions of his representative. The designated personal representative, while engaged in the discharge of official board duties on behalf of and as authorized by such member, stands in the place and stead of such member for purposes of attending board meetings, and for purposes of participating in and voting on matters arising at board meetings and hearings. The designated personal representative may exercise all of the powers, duties and responsibilities of the ex officio member, including the taking of testimony in any hearing called by the board under the provisions of Section 4(A), Paragraph (4); may receive reimbursement for traveling and other necessary expenses, while engaged in the performance of official board business in the same manner as the one he represents, under the provisions of Paragraph (D) above; and may serve as either chairman or vice chairman of the board under the provisions of Section 3(G), subject to the provision above.

"(F) Actual and necessary travel and other expenses incurred by the three ex officio members, or their designated personal representatives, in the discharge of their official duties as members of the board shall be paid out of any funds made available to the agency of such ex officio member or his designated personal representative for the purposes of this Act. Employees of the board shall receive such traveling expenses as may be authorized by the Legislature.

"(G) The board shall elect a chairman and a vice chairman from its members whose terms of office shall be for two years commencing on February 1st of each odd-numbered year hereafter. At the first meeting of the board, the chairman and vice chairman shall be elected to serve until February 1, 1969. The chairman, or in his absence, the vice chairman, shall preside at all meetings of the board and perform the other duties hereinafter prescribed. The board shall meet at regular intervals as may be decided upon by majority vote of the board. Special meetings may be called by the chairman upon his own motion and must be called by him upon receipt of a written request therefor signed by two or more members of the board. Five members of said board shall constitute a quorum

to transact business. The board shall have the power to make all necessary rules for its procedure and shall have a seal, the form of which it shall prescribe.

"(H) The executive secretary of the board shall be an employee of the State Health Department and the State Commissioner of Health shall designate such employee as executive secretary following consultation with the board. The executive secretary shall keep full and accurate minutes of all transactions and proceedings of said board and perform such duties as may be required by the board, and he shall be the custodian of all files and records of the board. The executive secretary shall be the administrator of air control activities for the board.

"(I) Technical, scientific, legal or other services shall be performed by personnel of other state agencies when requested by the board, but the board may employ and compensate with funds available therefor professional consultants, assistants and employees that may be necessary to carry out the provisions hereof and prescribe their powers and duties. The board may request and shall receive the assistance of any state educational institution, experimental station, or other state agency.

"(J) To carry out the provisions of this Act, any agency of this state with responsibilities under the laws of this state for air control, and for which appropriations are made in the biennial appropriations act, is hereby authorized to transfer to the board out of such appropriations such annual amounts as may be mutually agreed upon by such an agency and by the board, subject only to the concurrence of the Governor. In the event such transfers are insufficient to finance adequately the necessary activities of the board, the Governor is authorized to transfer to the board from the appropriations made to the Governor such amounts as he determines. It is further provided that said board is authorized to request, solicit, contract for, receive or accept money from any federal agency, state agency, political subdivision, private source, or other legal entity to carry out the duties required of it by this Act. Such moneys as may be transferred under the provisions of this subsection, and such gifts and grants as may be received by said board,

shall be deposited in the state treasury in a special fund. Such moneys shall be appropriated to said board for any of the purposes set forth in this Act, including salaries, professional fees, wages, travel expenses, equipment, and other necessary expenses.

"(K) The board shall make biennial reports in writing to the Governor and the Legislature, in which shall be included statements of its activities. All data collected by the board shall be the property of the State of Texas. Subject to the restrictions of Section 8 of this Act, all records of the board are public records open to inspection by any person during regular office hours. Such records shall show, among other things, the source of all moneys or other things of value, received by the board under Section 3 (J) above from sources other than public sources.

"(L) Upon application of any person and upon payment of the fees, if any, prescribed therefor in the rules and regulations of the board, the board shall furnish copies, certified or otherwise, of any of its proceedings or other official acts of record, or of any paper, map or document filed in the office of the board. Certified copies over the hand of the chairman or the executive secretary and the seal of the board shall be admissible in evidence in any court or administrative proceeding, in the same manner and with like effect as the original would be. Provided, however, nothing contained in this section shall be so construed as to in any way violate the provisions contained in Section 8 of this Act."

"Sec. 4. The board shall seek the accomplishment of the purposes of this Act through the control of the items defined in Section 2(a) by all practical and economically feasible methods consistent with its powers and duties as hereinafter set forth.

"(A) The board shall have the power:

"(1) To prepare and develop a general plan for the proper control of the air resources of Texas.

"(2) (a) To adopt and promulgate rules and regulations consistent with the general intent and purposes of this Act in accordance with the provisions of Section 6 hereof. Except as provided in Paragraphs (b) and (c) of this subdivision, such rules and

regulations may not specify any particular method to be used to reduce undesirable levels as defined in Section 2(C) hereof, nor the type, design, or method of installation of any equipment to be used to reduce undesirable levels as defined in Section 2(C), nor the type, design, or method of installation or type of construction of any manufacturing processes or other kinds of equipment.

"(b) Subject to the provisions of Section 4(C), the board may include in said rules and regulations requirements as to the particular method to be used to reduce undesirable levels as defined in Section 2(C), which arise from the outdoor burning of waste material or refuse.

"(c) Subject to the provisions of Section 4(C), the board may include in said rules and regulations requirements as to the particular method to be used to control and reduce emission from motors and engines used in propelling land vehicles. Any rules or regulations pursuant to this paragraph shall be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned. The board shall not require, as a condition precedent to the initial sale of a vehicle or vehicular equipment, the inspection, certification or other approval of any feature or equipment designed for the control of emissions from motor vehicles if such feature or equipment has been certified, approved or otherwise authorized pursuant to federal law.

"(3) To develop such facts and make such investigations as are consistent with the purposes of this Act, and in connection therewith the board or its duly authorized agents or employees shall have the right to enter at all reasonable times in or upon any public or private property, other than property designed for and used exclusively as a private residence housing not more than three families, for the purpose of inspecting and investigating conditions relating to emissions of air contaminants to or the concentration of air contaminants in the atmosphere. Agents and employees may not enter private property having management in residence without notifying the management, or the person in charge at the time, of their presence and exhibiting proper credentials. Such agents or employees shall observe rules and

regulations of the establishment being inspected concerning safety, internal security, and fire protection. Should the board or its duly authorized agents or employees be refused the right to enter in or upon such public or private property, the board may have the remedies authorized in Section 12(B) of this Act.

"(4) (a) To hold hearings, receive pertinent and relevant evidence from any party in interest who appears, issue subpoenas to compel the attendance of witnesses and the production of such papers and documents as are related to such hearing, and make findings of fact and determinations, all with respect to administering the provisions of this Act or of any orders, determinations, rules or regulations of the board. At any hearing, all testimony shall be given under oath and recorded stenographically. The transcript so recorded shall be made available to any member of the public or to the respondent or party to a hearing on a complaint upon payment of the usual charges therefor.

"(b) To delegate to one or more of its members or his personal representative or to one or more of its employees the authority to take testimony in any hearing called by the board or authorized by the board to be held, with power to administer oaths; but all orders entered shall be made by and in the name of the board after its official action and attested to by the executive secretary."

"(5) (a) To enter such orders or determinations as may be necessary to effectuate the purposes of this Act. If the board shall determine that a condition as defined in Section 2(C) hereof exists, it may order such action as is indicated by the circumstances to control the condition. The board shall grant such time for the owner or operator of a source to comply with its order as is provided for in the rules and regulations it shall adopt pursuant to the provisions of Section 4(A)(2) which shall make provision for such time gauged to such general situations as hearings on such proposed rules and regulations may indicate are necessary.

"(b) In making its orders and determinations hereunder, the board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions involved including, but not limited to:

"(i) The character and degree of injury to, or interference with, the health and physical property of the people;

"(ii) The social and economic value of the source of the undesirable levels as defined in Section 2(C);

"(iii) The question of priority of location in the area involved; and

"(iv) The technical practicability and economic reasonableness of reducing or eliminating the emissions resulting from such source.

"(6) To cause to be instituted in a court of competent jurisdiction legal proceedings to compel compliance with the provisions of this Act or with any rules, regulations, orders or determinations made by the board.

"(7) To request and be entitled to receive the assistance of any state educational institution, experiment station, board, department or other state agency and the officials and employees thereof when it is deemed necessary or beneficial by the board to carry out the provisions of this Act.

"(B) The board shall have the following duties with respect to the control of the conditions defined in Section 2(C):

"(1) Encourage voluntary cooperation by persons, or affected groups in restoration and preservation of a reasonable degree of purity of air within this state.

"(2) Encourage and conduct studies, investigations and research concerning air control.

"(3) Collect and disseminate information on air control.

"(4) Advise, consult and cooperate with other agencies of the state, political subdivisions of the state, industries, other states and federal government, and with interested persons or groups in regard to matters of common interest in air control.

"(5) Represent the State of Texas in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts.

"(6) The basic personnel and necessary laboratory and other facilities as may be required to carry out the provisions of this Act shall be personnel, laboratory, and other facilities of the Texas State Department of Health; provided, however, that the board, through the department of health acting as the agent of

the board, may by agreement secure such services as it may deem necessary from any other departments and agencies of the state government and may arrange for compensation for such services, and may employ and compensate, within appropriations available therefor such consultant and technical assistants on a full- or part-time basis as may be necessary to carry out the provisions of this Act and to prescribe their powers and duties.

"(C) Nothing contained in this Act shall be deemed to grant to the board any jurisdiction or authority to make any rule, regulation, recommendation or determination or to enter any order with respect to air conditions existing solely within the property boundaries of commercial and industrial plants, works or shops or to affect the relations between employers and employees with respect to or arising out of any air condition. Provided further that nothing contained in this Act shall vest in the board any power with respect to any matter subject to the jurisdiction of the Texas Radiation Control Agency as defined in Article 4590F, Revised Civil Statutes of Texas, as amended, or over any source licensed by the Atomic Energy Commission under the Atomic Energy Act of 1954, Title 42 USC 2011-2281, Incl."

"Sec. 5. The executive secretary of the board shall have the following powers and duties:

"(A) The executive secretary shall prepare and recommend to the board plans and procedures necessary to effectuate the aims and objects of this Act, including but not limited to rules and regulations, and proposals of administrative procedures not inconsistent with this Act.

"(B) The executive secretary, or his authorized representative, shall attend all meetings of the board but shall not be entitled to a vote.

"(C) The executive secretary, or his authorized representative, shall handle such correspondence, make or arrange for such inspections and investigations, and obtain, assemble or prepare such reports and data as the board may direct or authorize.

"(D) The executive secretary shall exercise general supervision over all persons employed by the board. He shall be responsible for the investigation of complaints, the recommendation to the board of the issuance of formal complaints by the board and

for the presentation of such complaints before the board, and shall have such other duties as the board may prescribe."

"Sec. 6. (A) Any rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it shall have been approved in writing by at least five members of the board. A rule or regulation or any amendment or repeal thereof shall not be adopted until after a public hearing. Notice of such hearing shall be given at least thirty days prior to the scheduled date of the hearing by public advertisement in at least three newspapers with statewide circulation of the date, time, place and purpose of such hearing as required for public notice in Article 29a, Revised Civil Statutes of Texas, as amended. At such hearing, opportunity to be heard by the board with respect to the subject thereof shall be given to any person. A record of the names and addresses of such persons shall be made by the executive secretary. A rule or regulation or an amendment or repeal thereof shall not become effective until a certified copy thereof has been filed with the Secretary of State. Any person heard or represented at such hearing or requesting notice shall be given written notice by registered or certified mail of the action of the board with respect to the subject thereof.

"(B) A rule or regulation or any amendment thereof which shall be adopted by the board may differ in its terms and provisions as between particular conditions, as between particular sources and as between particular areas of the state. In exercising the power granted it by Section 4 to adopt and promulgate rules and regulations for air control, the board shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause a need for air control in one area of the state may not cause need for air control in another area of the state, and it shall take into consideration in this connection such factors, among others found by it to be proper and just, as existing physical conditions, topography, population, and prevailing wind directions and velocities and also the fact that a rule or regulation and the degrees of conformance therewith which may be proper as to an es-

entially residential area of the state may not be proper either as to a highly developed industrial area of the state or as to a relatively unpopulated area of the state.

"(C) The board shall establish its rules and regulations concerning the emission of particulate matter from plants processing agricultural products in their natural state according to a formula derived from the process weight of the materials entering the process. The board may not require in its rules and regulations that such plants meet a standard which requires an emission of less than eight percent of the process weight of the materials entering the process."

"Sec. 7. (A) The executive secretary may cause investigations to be made as he may deem advisable in administering the provisions of this Act and the rules, regulations, orders and determinations of the board, including without limitation investigations of violations and general air pollution problems or conditions. The executive secretary shall cause such investigations to be made as may be requested or directed by the board.

"(B) If an investigation discloses, in the opinion of the board or the executive secretary, that a violation does exist, the board may proceed under Section 12 of this Act or it may hold a public hearing. If the board decides to hold a public hearing thereon, the executive secretary shall prepare and submit to the board a formal complaint. The complaint shall specify the provision of this Act or the rule, regulation, order or determination of the board which is said to have been violated, the person alleged to have violated the same, and the manner in which the same is said to have been violated.

"The board shall transmit to the person complained against a copy of the formal complaint together with a notice of hearing. The notice shall state the date, place and purpose of the hearing and shall be sent with the copy of the formal complaint by certified mail not less than thirty days before the date of the hearing. Notice shall also be sent by mail not less than thirty days before the hearing to such other interested persons as the board may designate.

"(C) The respondent to such formal complaint may file a written answer thereto at any time not less than two days before the hearing and

may appear at such hearing in person or by representative, with or without counsel, and may offer testimony and evidence, cross-examine any witnesses, make oral arguments or take any combination of such actions. The executive secretary, on behalf of the board, at the request of any respondent to a formal complaint made pursuant thereto, shall subpoena and compel the attendance of such witnesses as the respondent may reasonably designate and shall require the production for examination of any book or paper relating to the matter under investigation at any such hearing as the respondent may reasonably designate.

"(D) After due consideration of the written and oral statements, the testimony and arguments that shall be submitted at the hearing on the complaint, or upon default of the appearance of the respondent on the return day specified in the notice of the hearing, the board shall make such final determination and enter such order as is provided for in Section 4(A)(5)(a) as it shall deem appropriate under the circumstances, giving due regard to the matters required to be considered under Section 4 of this Act, and it shall immediately notify the respondent thereof in writing by certified mail. Any such order shall not be deemed finally made and entered until it shall have been approved in writing by at least five members of the board.

"(E) Upon the failure of the board to enter a final order or determination within sixty days after the final argument in the hearing held on the complaint, interested parties shall be entitled to treat such failure to act as a determination that no violation, as alleged in the complaint, was found to have occurred."

"Sec. 8. No information identified as confidential when submitted relating to secret processes or methods of manufacture or production shall be disclosed at any public hearing or otherwise."

"Sec. 9. (A) The board may grant individual variance beyond the limitations prescribed in this Act, whenever it is found, upon presentation of adequate proof, that compliance with any provision of this Act, or any rule or regulation, order or determination of the board, will result in an arbitrary and unreasonable taking of

property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without sufficient corresponding benefit or advantage to the people.

"(B) In determining under what conditions and to what extent a variance from this Act or rule or regulation hereunder may be granted, the board shall give due recognition to the progress which the person requesting such variance shall have made in controlling or preventing any condition which may have existed as defined by Section 2(C). In such a case, the board shall grant such variance conditioned upon such person effecting a partial abatement over a period of time which the board shall consider reasonable under the circumstances; or the board, in conformity with the intent and purpose of this Act to protect health and property, may prescribe other and different requirements with which the person who receives such variance shall comply.

"(C) Any variance granted pursuant to the provisions of this section shall be granted for such period of time as shall be specified by the board at the time of the grant of such variance. Any variance may be granted by the board upon the condition that the person who received it shall make such periodic reports to the board as the board shall specify as to the progress which such person shall have made toward compliance with any rule or regulation as to which a variance has been granted. Such variance may be extended by affirmative action of the board upon recommendation of the executive secretary.

"(D) Any person seeking a variance shall do so by filing a petition for variance with the executive secretary. The executive secretary shall send a copy of the petition or a summary of its contents to the mayor and health authorities of the city or town, and the county judge and health authorities of the county in which the source or sources are or will be located and to such officials of other counties, cities and towns which, in the judgment of the executive secretary or the board, may be affected. The information shall be sent not less than thirty days before the date on which the petition is to be considered by the board. Any person may file comments or recom-

mendations on the requested variance with the board. The executive secretary shall also proceed promptly to investigate such petition and to make a recommendation to the board as to the disposition thereof. Upon receiving the recommendation of the executive secretary, the board may, if such recommendation is for the granting of a variance, do so without hearing. If the recommendation of the executive secretary is against the granting of a variance, if a local government as defined in Section 13(A) of this Act requests a hearing, or if the board in its discretion concludes that a hearing would be advisable, then a hearing shall be held before the board acts on the petition for variance.

"(E) Upon the failure of the board to take action within one hundred twenty days after receipt of a petition for variance, the petitioner shall be entitled to treat for all purposes such failure to act as a denial of the variance."

"Sec. 10. Except as specifically authorized in this Act, no fees shall be charged by the executive secretary or the board for the performance of any of their respective functions under this Act."

"Sec. 11. Any person affected by any order, decision, determination or other act of the board, may, within thirty days after the date on which such act is performed, or in case of an order, decision or determination, within thirty days after the effective date thereof, file a petition in an action to review, set aside, or suspend such order, decision, determination or other act upon the ground or grounds that the same is invalid, arbitrary or unreasonable. The venue in any or all such actions is hereby fixed exclusively in the District Court of Travis County, Texas. In a suit brought to review, suspend, or set aside any act of the board, the trial shall be de novo, as that term is used and understood in an appeal from a justice of the peace court to the county court, and no presumption of validity, reasonableness or presumption of any character shall be indulged in favor of the act that is involved, but evidence as to the validity or reasonableness thereof shall be heard and the determination in respect thereto shall be made upon facts found by the court, as in other civil cases, and the procedure for such

trials and the determination of the issues and the character of the judgment to be entered therein shall be governed solely by the rules of law, evidence and procedure prescribed for the district courts of this state by its Constitution, statutes and rules of civil procedure applicable to the trial of action."

"Sec. 12. (A) It is unlawful for any person to cause, suffer, allow or permit the emission of air contaminants which cause or contribute to or which will cause or contribute to a condition of air pollution as defined in Section 2(D) of this Act.

"(B) In the event the board determines that any provision of this Act or any rule, regulation, determination or order of the board is being violated, the board may cause to have instituted a civil action in the district court for any county in which the violation occurs for injunctive relief to prevent any further violation or for the assessment of a penalty of not less than \$50 nor more than \$1,000 per day for each day such violation continues as the court may deem proper, or for both injunctive relief and penalty. Upon application for an injunction and a finding that Section 12(A) is being violated, the district court shall grant such injunction. It shall be the duty of the Attorney General to bring such action, at the request of the board, in the name of the State of Texas.

"(C) The liabilities which shall be imposed pursuant to any provision of this Act upon persons violating the provisions of this Act or any rule, regulation, determination or order hereunder shall not be imposed due to any violation caused solely by an act of God, war, strike, riot, or other catastrophe."

"Sec. 13. (A) In this section 'local government' means an incorporated city or town whether or not it has a home rule charter or a county whether or not it has a home rule charter.

"(B) A local government may inspect the air and may go in and on public or private property within its boundaries and jurisdiction to determine whether or not the level of air contaminants in any area within its boundaries and jurisdiction meets the level set by the board, or in the case of a city or town its own governing body, and may make inspections in the same manner and under

the same provisions and restrictions as are applicable to the board to determine whether or not the emissions from any source meet the level set by the board or its governing body for such source and whether or not a person is complying with an order, rule or regulation of the board issued under the provisions of this Act.

"(C) A local government shall transmit the results of its inspections to the board as prescribed by the board in its rules.

"(D) In the same manner as the board, a local government, upon formal resolution of its governing body, may enforce through its own attorney the provisions of Section 12 of this Act. However, a local government may not bring an action against a state agency or department, another local government or any other political subdivision of the state for the assessment of the penalty specified in Section 12. In any suit instituted by a local government under this subsection, the board is authorized to be and must be a necessary party to the local government's suit.

"(E) A local government may enter into cooperative agreements with other local governments to perform air pollution inspections and enforcement; to give or receive technical aid and educational services; and to transfer money from one local government to another which may be a party to the cooperative agreement for the purpose of air quality management, inspection, and enforcement.

"(F) A local government may make recommendations to the board concerning any rule, regulation, order, or determination of the board that affects any area within its boundaries or jurisdictions. The board shall give maximum consideration to recommendations of a local government."

"Sec. 14. This Act shall not in any way affect the right of any private person, as defined herein, to pursue all common law remedies available to abate a condition of pollution or other nuisance or recover damages therefor, or both. Nor shall this Act diminish such rights and powers as are otherwise vested by law in any incorporated city or town to abate a nuisance or to enforce any ordinance for the control or abatement of air pollution, subject only to the provisions of Section 15 hereof."

"Sec. 15(A) The board is the principal authority in the state for setting standards, criteria, levels and emission limits for air content and pollution control.

"(B) Subject to the provisions of Section 15(A), an incorporated city or town may enact and enforce any ordinance not inconsistent with the provisions of this Act or the rules, regulations, or orders of the board.

"(C) Any ordinance adopted or enforced by an incorporated city or town shall be consistent with the provisions of this Act and the rules, regulations, or orders of the board, and shall not make unlawful any condition or act permitted, approved or otherwise authorized pursuant to this Act or the rules, regulations or orders of the board."

"Sec. 16. All orders, determinations, rules, regulations and other actions issued, taken and performed by the Texas Air Control Board under the authority of Chapter 687, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-4, Vernon's Texas Civil Statutes), are hereby validated. All such actions shall be administered by and shall be under the jurisdiction of the board created by this Act, the same as if originally performed by this board, and they shall remain in full force and effect unless and until changed and amended by order of this board."

"Sec. 17. Chapter 687, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-4, Vernon's Texas Civil Statutes), is repealed."

"Sec. 18. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

"Sec. 19. This Act takes effect on September 1, 1967."

"Sec. 20. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended."

The House amendment was read.

Senator Cole moved that the Senate concur in the House amendment.

Question on the motion to concur, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote:

Yeas—19

Aikin	Hightower
Bates	Moore
Berry	Parkhouse
Christie	Ratliff
Cole	Reagan
Connally	Strong
Creighton	Wade
Hall	Watson
Hardeman	Word
Herring	

Nays—11

Bernal	Jordan
Blanchard	Mauzy
Brooks	Patman
Grover	Schwartz
Harrington	Wilson
Hazlewood	

Absent—Excused

Kennard

House Concurrent Resolution 54 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 54, Providing an interim committee to study the common-law doctrine of charitable immunity.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

Bill and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

S. C. R. No. 86, Authorizing Enrolling Clerk to make certain corrections in S. B. No. 85.

S. C. R. No. 12, Petitioning Congress of the United States to call a Constitutional Convention to provide for remittance to the states a portion of individual and corporate income taxes.

S. C. R. No. 9, Providing for continuation of a Committee on Faculty Compensation in state-supported colleges and universities.

S. B. No. 85, A bill to be entitled "An Act relating to mentally retarded persons and responsibility for their support and maintenance as students in State Schools; amending Section 21, Chapter 119, Acts of the 54th Legislature, 1955 (Article 3871b, Vernon's Texas Civil Statutes); and declaring an emergency."

House Bills on First Reading

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 273, to the Committee on Public Health.

H. B. No. 89, to the Committee on Privileges and Elections.

House Concurrent Resolution 60 Re-referred

On motion of Senator Hightower, and by unanimous consent, H. C. R. No. 60 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

House Bill 1078 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1078 was ordered not printed.

Senate Bill 184 With House Amendment

Senator Patman called S. B. No. 184 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment 1

Amend Section 1 of S. B. No. 184 to read as follows:

Section 1. Acts of the 53rd Legislature, Regular Session, 1953, Chapter 342, codified in Vernon's as Article 7465a, Vernon's Civil Statutes, as amended, is hereby amended so as to read hereafter as follows:

"Section 5. State Board of Veterinary Medical Examiners. (a) The Board consists of six members appointed by the Governor for six-year terms.

(b) To be eligible for appointment to the Board, a person must

(1) have resided in the state and practiced veterinary medicine for the six years next preceding his appointment;

"(2) be of good repute; and

"(3) not be a member of the faculty of any veterinary medical college or of the veterinary medical department of any college or have a financial interest in a veterinary medical college.

"(c) A person appointed to the Board qualifies for office by taking the constitutional oath of office. After taking the oath, he shall file a signed copy of it with the Secretary of State.

"(d) The Governor shall fill by appointment vacancies on the Board resulting from death or resignation of a member. The person appointed to fill a vacancy serves for the unexpired portion of the vacated term.

"(e) At its first meeting each year the Board shall elect from its number a president and any other officers it considers necessary or convenient. Four members of the Board constitute a quorum for the transaction of Board business.

"(f) Each Board member is entitled to compensation in the amount of \$25 a day for each day he is engaged in the duties of his office. Each member is also entitled to be reimbursed for his actual, necessary expenses incurred while performing the duties of his office."

The House amendment was read.

Senator Patman moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—30

Aikin

Bates

Bernal	Hightower
Berry	Jordan
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Kennard

House Concurrent Resolution 113 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 113, Granting certain citizens of Big Spring permission to sue the State of Texas.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

House Bill 353 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 353, A bill to be entitled "An Act concerning traffic safety; expressing legislative intent; providing for authority of the Governor; establishing a statewide traffic safety program; providing for research and development projects; directing cooperation of State agencies; providing for authority of local political subdivisions; establishing a Traffic Safety Fund; providing for grants in aid to political subdivisions for governmental purposes; providing for responsibilities of the Governor; directing the disposition of fees; providing a severability clause; providing a repealer; and creating an emergency."

The bill was read second time.

Senator Blanchard offered the following amendment to the bill:

Amend Section 8 of H. B. No. 353 by striking all of the quoted Section 15 and inserting the following:

"Section 15. Disposition of fees. (a) All fees and charges required by this Act and collected by an officer or agent of the Department shall be remitted without deduction on Monday of each week to the Department in Austin, Texas.

"(b) One-third (1/3) of all monies received for operators, commercial operators and chauffeurs license fees shall be deposited in the State Treasury in the General Revenue Fund of the State; and the remainder of all fees so collected shall be deposited in the State Treasury in a fund to be known as the Operator's and Chauffeur's License Fund.

"(c) Fees and charges deposited in the Operator's and Chauffeur's License Fund under the provisions of this Act may, upon appropriation by the Legislature, be used by the Texas Department of Public Safety for the payment of salaries, purchase of equipment and supplies, maintenance, and any and all other necessary expenses incident to the operation of the Department of Public Safety in carrying out the duties as are by law required of such Department and may also be appropriated by the Legislature to the Traffic Safety Fund. Any remaining balance in the Operator's and Chauffeur's License Fund on September 1st of each and every year shall remain in such Fund and shall be available for appropriation by the Legislature for the maintenance and support of the Texas Department of Public Safety as set forth hereinabove."

The amendment was read and was adopted.

On motion of Senator Blanchard, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 353 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 353 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Kennard

Reports of Standing Committees

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. C. R. No. 60, have had the same under consideration, and

we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
HIGHTOWER
WORD
CHRISTIE

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections to which was referred H. B. No. 89, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.
HAZLEWOOD
BLANCHARD
CONNALLY
HARDEMAN
MOORE
RATLIFF
REAGAN
WADE
WORD

House Joint Resolution 27 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 27, Proposing an amendment to Section 33, Article XVI, Constitution of the State of Texas, to allow State officers and employees to hold, under given conditions, other offices and positions under this State or the United States.

The resolution was read second time.

Senator Blanchard offered the following Committee Amendment to the resolution:

Amend H. J. R. 27, Section 1, by striking out the language "The Legislature may provide by general law, under such restrictions and limitations as the Legislature may prescribe," and by adding immediately after the words stricken the words "Provided however".

The Committee Amendment was read and was adopted.

The resolution as amended was passed to third reading.

House Concurrent Resolution 27 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Kennard

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Kennard

House Bill 357 on Second Reading

On motion of Senator Blanchard and by unanimous consent, H. B. No. 357 was called from the President's Table for consideration at this time on its second reading and passage to third reading (the bill having been read the second time on Friday, May 19, 1967, and amended).

Question—Shall H. B. No. 357 as amended be passed to third reading?

Senator Hardeman offered the following amendment to the bill:

Section 1. Amend Section 1 of H. B. No. 357 by striking the following phrase wherever same appears in Sec. 1 (a) "and any other equipment on such vehicles which is so designated by the Public Safety Commission as prescribed by the direction and authority of Federal Statutes," and inserting in lieu thereof "steering (including power steering), wheels and rims."

Sec. 2. Amend Section 1 of H. B. No. 357 by striking the phrase in the first sentence of Sec. 1(b) "and any other equipment on such vehicles which is so designated by the Public Safety Commission as prescribed by the direction and authority of Federal Statutes," and inserting in lieu thereof "steering (including power steering), wheels and rims."

Sec. 3. Amend Sec. 2. of H. B. No. 357 by striking the phrase in the second sentence of Sec. 2 (a) "and any other equipment on such vehicles which is so designated by the Public Safety Commission as prescribed by the direction and authority of Federal statutes," and inserting in lieu thereof "steering (including power steering), wheels and rims."

Sec. 4. Amend Sec. 2 of H. B. No. 357 by striking the phrase in the third sentence of Sec. 2 (b) "and any other equipment on such vehicles which is so designated by the Public Safety Commission as prescribed by the direction and authority of Federal Statutes," and inserting in lieu thereof "steering (including power steering), wheels and rims."

Sec. 5. Amend Sec. 2 of H. B. No. 357 by striking the phrase in the first sentence of the second paragraph of Sec. 2(d) "and any other equipment on such vehicles which is so designated by the Public Safety Commission as prescribed by the direction and authority of Federal Statutes," and in-

serting in lieu thereof "steering (including power steering), wheels and rims."

Sec. 6. Amend Sec. 2 of H. B. No. 357 by striking the phrase in the first sentence of Sec. 2(e) "and any other equipment on such vehicles which is so designated by the Public Safety Commission as prescribed by the direction and authority of Federal Statutes," and inserting in lieu thereof "steering (including power steering), wheels and rims."

Sec. 7. Amend Sec. 3 of H. B. No. 357 by striking in the first sentence of quoted "Sec. 142 (a)" the phrase "and any other equipment on such vehicles which is so designated by the Public Safety Commission as prescribed by the direction and authority of Federal Statutes," and inserting in lieu thereof "steering (including power steering), wheels and rims."

HARDEMAN AIKIN

The amendment was read and was adopted.

On motion of Senator Blanchard, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 357 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 357 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Word

Nays—1

Brooks

Absent

Wilson

Absent—Excused

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Brooks, Grover, and Bates asked to be recorded as voting "Nay" on the final passage of the bill.

Notice of Executive Session

Senator Blanchard gave notice that he would move for an Executive Session at 11:30 o'clock a.m. on Friday, May 26, 1967.

Senate Bill 626 Ordered Not Printed

On motion of Senator Strong and by unanimous consent S. B. No. 626 was ordered not printed.

House Bills on First Reading

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 311, to the Committee on Jurisprudence.

H. B. No. 602, to the Committee on Counties, Cities and Towns.

H. B. No. 1343, to the Committee on Counties, Cities and Towns.

H. B. No. 220, to the Committee on Game and Fish.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. J. R. No. 39, Proposing an

amendment to Subsection (a) of Section 62, Article XVI of the Constitution of Texas, relating to establishment of a retirement, disability and death compensation fund for officers and employees of the state, so as to create as an agency of the State of Texas the Employees Retirement System of Texas, etc.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 917 on Second Reading

Senator Aikin asked unanimous consent to suspend the regular order of business and take up H. B. No. 917 for consideration at this time.

There was objection.

Senator Aikin then moved to suspend the regular order of business and take up H. B. No. 917 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Hightower
Bates	Mauzy
Bernal	Moore
Berry	Parkhouse
Blanchard	Ratliff
Christie	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Hazlewood	Word
Herring	

Nays—5

Brooks	Jordan
Cole	Patman
Harrington	

Absent

Connally	Wilson
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Absent—Excused

Kennard

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 917, A bill to be entitled "An Act authorizing Parks and Wildlife Department to expend to certain governmental units funds in lieu of

taxes for Wildlife Management areas, etc., and declaring an emergency."

The bill was read second time.

Senator Hightower offered the following amendment to the bill:

Amend H. B. No. 917 as follows:

Delete from Section 1 the first sentence after the words "authorized and directed to expend funds to" and before the words "counties and school districts" the following word and punctuation: "cities,".

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend H. B. No. 917 as follows:

(2) Add to Section 1 at the end of the paragraph the following sentence: "No general revenue funds may be expended in lieu of taxes for wildlife management areas; however, special funds may be expended for this purpose provided reimbursement or matching from the Federal government is available at a Federal ratio of 2 to 1 or better."

The amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 917 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 917 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Grover
Bates	Hall
Bernal	Hardeman
Berry	Hazlewood
Blanchard	Herring
Christie	Hightower
Connally	Mauzy
Creighton	Moore

Parkhouse	Strong
Ratliff	Wade
Reagan	Watson
Schwartz	Word

Nays—5

Brooks	Jordan
Cole	Patman
Harrington	

Absent

Wilson

Absent—Excused

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Herring
Bates	Hightower
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Christie	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Hazlewood	Word

Nays—5

Brooks	Jordan
Cole	Patman
Harrington	

Absent

Wilson

Absent—Excused

Kennard

House Concurrent Resolution 147 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 147, Creating the Coastal Bend Water Planning Committee, etc.

The resolution was read.

Senator Reagan asked unanimous consent to consider the resolution immediately.

There was objection.

The resolution was then referred to the Committee on Counties, Cities and Towns.

Committee Substitute House Joint Resolution 14 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. J. R. No. 14, Proposing an amendment to add a new Section 24a to Article III, Constitution of the State of Texas, to provide for an annual salary of \$18,000, for the Speaker of the House of Representatives.

The resolution was read second time.

Senator Reagan offered the following amendment to the resolution:

Amend Committee Substitute for House Joint Resolution No. 14 by striking all below the resolving clause and substituting the following:

Section 1. That Article III of the Constitution of the State of Texas be and the same is hereby amended by adding a new section to be known as Section 24a to read as follows:

"Section 24a. The Speaker of the House of Representatives shall receive from the Public Treasury an annual salary of Eighteen Thousand Dollars (\$18,000). This amendment shall be self-enacting and appropriations heretofore made in the general appropriations bills for the biennium ending August 31, 1969, for the salary of the Speaker of the House of Representatives shall not be invalid because of the anticipatory nature of the legislation."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday following the first Monday in November 1968, at which election all ballots shall have printed thereon the following:

"FOR the constitutional amendment to provide an annual salary of \$18,000 for the Speaker of the House of Representatives."

"AGAINST the constitutional amendment to provide an annual

salary of \$18,000 for the Speaker of the House of Representatives."

Sec. 3. The governor of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state. Such publication of this amendment shall be limited to Sections 1 and 2 of this Resolution only.

The amendment was read and was adopted.

On motion of Senator Reagan and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to third reading.

Committee Substitute House Joint Resolution 14 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that C. S. H. J. R. No. 14 be placed in its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Jordan
Bates	Mauzy
Bernal	Moore
Berry	Parkhouse
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Harrington	Watson
Hazlewood	Word
Hightower	

Nays—3

Cole	Herring
Hardeman	

Absent

Connally	Wilson
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Absent—Excused

Kennard

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Nays—2

Cole	Hardeman
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Absent—Excused

Kennard

House Joint Resolution 22 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 22, Proposing an Amendment to the Constitution of the State of Texas to fix the time during which the Members of the Legislature shall be ineligible to hold other offices.

The resolution was read second time and passed to third reading.

House Joint Resolution 22 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Brooks
Bates	Christie
Bernal	Cole
Berry	Connally
Blanchard	Creighton

Grover	Parkhouse
Hall	Patman
Hardeman	Ratliff
Harrington	Reagan
Hazlewood	Schwartz
Herring	Strong
Hightower	Wade
Jordan	Watson
Mauzy	Wilson
Moore	Word

Absent—Excused

Kennard

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	

Nays—1

Word

Absent—Excused

Kennard

Reports of Standing Committees

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1343, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
WORD
CHRISTIE

Senator Hightower by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 220, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 602, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
WORD
CHRISTIE

Senator Bates by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to which was referred H. J. R. No. 56, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BATES, Vice-Chairman.
BERRY
HALL
HARDEMAN
HARRINGTON
HAZLEWOOD
MAUZY
REAGAN
STRONG
WATSON

House Bill 1343 Ordered Not Printed

On motion of Senator Christie and

by unanimous consent H. B. No. 1343 was ordered not printed.

House Bill 220 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent H. B. No. 220 was ordered not printed.

Recess

On motion of Senator Aikin the Senate at 11:59 o'clock a.m. took recess until 1:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 1:30 o'clock p.m.

Leaves of Absence

Senator Cole was granted leave of absence for today on account of illness on motion of Senator Brooks.

Senator Wilson was granted leave of absence for today on account of important business on motion of Senator Hall.

House Bill 89 Ordered Not Printed

Senator Creighton asked unanimous consent not to print H. B. No. 89.

There was objection.

Senator Creighton then moved not to print H. B. No. 89.

The motion prevailed by the following vote:

Yeas—16

Aikin	Mauzy
Bates	Parkhouse
Blanchard	Ratliff
Christie	Reagan
Creighton	Strong
Hardeman	Wade
Herring	Watson
Hightower	Word

Nays—7

Bernal	Hall
Berry	Patman
Brooks	Schwartz
Grover	

Present—Not Voting

Connally	Jordan
Harrington	Moore
Hazlewood	

Absent—Excused

Cole	Wilson
Kennard	

House Bill 181 Ordered Not Printed

Senator Creighton asked unanimous consent not to print H. B. No. 181.

There was objection.

Senator Creighton then moved not to print H. B. No. 181.

The motion prevailed by the following vote:

Yeas—18

Aikin	Mauzy
Berry	Parkhouse
Blanchard	Ratliff
Christie	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Herring	Watson
Hightower	Word

Nays—5

Bates	Grover
Bernal	Patman
Brooks	

Present—Not Voting

Jordan

Absent

Connally	Moore
Harrington	Hazlewood

Absent—Excused

Cole	Wilson
Kennard	

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 146, Memorializing the President and the Congress of the United States to remove from the Federal Reclamation Laws of 160-acre limitation.

H. C. R. No. 148, Requesting the Governor to return H. B. No. 637 to the House for certain corrections.

H. C. R. No. 126, Creating interim

Committee on State and Local Tax Policy.

H. C. R. No. 128, In memory of Brady P. Gentry.

H. J. R. No. 50, Proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-j to authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

H. B. No. 95, A bill to be entitled "An Act changing the name of the Criminal District Court of Tarrant County; changing the term of the Criminal District Court No. 3 of Tarrant County; authorizing exchange of benches among all District and Criminal District Judges in Tarrant County; providing for the alternate return of indictments to the Criminal District Courts of Tarrant County; amending Subsections B and F, Sections 10d, Chapter 442, Acts of the 59th Legislature, Regular Session, 1965 (Article 52-87b, Vernon's Texas Code of Criminal Procedure); and declaring an emergency."

H. B. No. 139, A bill to be entitled "An Act relating to fees payable to and collected by the Texas Water Rights Commission; providing an exception for state agencies; amending Article 7532, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 7534, Revised Civil Statutes of Texas, 1925, and all other laws to the extent of conflict; and declaring an emergency."

H. B. No. 226, A bill to be entitled "An Act relating to the forwarding and counting of returns for members of the Legislature and issuance of certificates of election to members of the Legislature; amending Section 119, Texas Election Code (Article 8.37, Vernon's Texas Election Code); repealing Section 123, Texas Election Code (Article 8.41, Vernon's Texas Election Code); and declaring an emergency."

H. B. No. 235, A bill to be entitled "An Act to authorize the Parks and Wildlife Department to enter into contracts or agreements with the Federal Government for the eradication of noxious vegetation in the wat-

ers of this State; and declaring an emergency."

H. B. No. 365, A bill to be entitled "An Act relating to adopting the Multistate Tax Compact; providing for membership on the Multistate Tax Commission, consultation with local government representatives, and creation of Multistate Tax Compact Advisory Committee; and declaring an emergency."

H. B. No. 375, A bill to be entitled "An Act authorizing the commissioners courts of counties which have a population in excess of 500,000 according to the most recent federal census and which have issued bonds for the purpose of constructing buildings and other permanent improvements to be used for coliseums and auditoriums within such counties, to construct, enlarge, furnish, equip and operate parking stations in the vicinity of such coliseums and auditoriums; etc., and declaring an emergency."

H. B. No. 378, A bill to be entitled "An Act relating to the State Judicial Qualifications Commission, etc., and declaring an emergency."

H. B. No. 519, A bill to be entitled "An Act prohibiting the use of certain methods for taking fish from streams, rivers and lakes in Foard County; providing a penalty for violation; providing for the effective date of this Act; and declaring an emergency."

H. B. No. 714, A bill to be entitled "An Act relating to the appointment of appraisers when letters testamentary or of administration are granted, failure of appraisers to serve, inventory and appraisement, and discovery of additional property; amending Sections 181, 248, 249, 250, and 256, Texas Probate Code; repealing Section 254, Texas Probate Code, and all laws in conflict with this Act; providing a saving clause and a severability clause; and declaring an emergency."

H. B. No. 875, A bill to be entitled "An Act amending Section 2, Chapter 276, Acts of the 40th Legislature, Regular Session, 1927 (Article 1105a, Vernon's Texas Civil Statutes), to delete the 15,000 population limitation from a city's power to establish building lines on its city's power to estab-

lish building lines on its streets; and declaring an emergency."

H. B. No. 944, A bill to be entitled "An Act placing deer in Rusk County under the regulatory authority of the Parks & Wildlife Commission; etc., and declaring an emergency."

H. B. No. 970, A bill to be entitled "An Act relating to the appointment, qualification, duties and compensation of official shorthand reporters for the District Courts of the 53rd, 126th, and 167th Judicial Districts of Texas, for the 98th District Court of Travis County and for the 147th District Court of Travis County, fixing maximum and minimum salaries to be paid in addition to compensation for transcripts, statements of fact and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

H. B. No. 987, A bill to be entitled "An Act relating to city airport revenue bonds, etc., and declaring an emergency."

H. B. No. 1053, A bill to be entitled "An Act relating to hunting quail in Hardeman County; etc., and declaring an emergency."

H. B. No. 1165, A bill to be entitled "An Act authorizing governing boards of institutions which have heretofore issued or which hereafter issue bonds or notes pursuant to Article 7, Section 17, as amended, of the Texas Constitution to refinance or refund such bonds or notes, providing other matters relative thereto; and declaring an emergency."

H. B. No. 1221, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Briar Ridge Municipal Utility District"; etc., and declaring an emergency."

H. B. No. 1223, A bill to be entitled "An Act relating to maturity of bonds issued by the Alabama-Coushatta Indian Reservation, etc., and declaring an emergency."

H. B. No. 1261, A bill to be entitled "An Act relating to hunting deer in Houston County, etc., and declaring an emergency."

House Bill 561 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 561, A bill to be entitled "An Act amending Section (2) of Article 21.04, titled 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, pertaining to the tax lien of the State of Texas; and declaring an emergency."

The bill was read the second time.

Senator Strong offered the following amendment to the bill:

Amend H. B. No. 561 by adding at the end of Section (2) the following:

The lien created hereby shall be subservient to all existing liens or mortgages, recorded or unrecorded, at the time the lien created hereby is executed.

The amendment was read and was adopted.

Senator Watson offered the following amendment to the bill:

Amend H. B. No. 561 by adding a new section after Section 1 to be numbered Section 2, and re-number the following sections, to read as follows:

"Section 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict."

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend H. B. 561 by striking out the language of Section 2, lines 25 to 27 of the printed bill and substituting therefor the following:

"in any court of competent jurisdiction in the county of the residence of the defendant, or if the defendant resides outside the State of Texas, in any court of competent jurisdiction in Travis County, Texas, and for the foreclosure of such lien, and may enjoin the operation of any such business until such taxes and penalties are paid."

The amendment was read and was adopted.

On motion of Senator Reagan, and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 561 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 561 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Harrington	Watson
Herring	Word

Nays—1

Hardeman

Absent

Hazlewood

Absent—Excused

Cole	Wilson
Kennard	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of the bill.

House Bill 208 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order

of business and take up H. B. No. 208 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up H. B. No. 208 for consideration at this time.

The motion prevailed by the following vote:

Yeas—17

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Patman
Brooks	Reagan
Christie	Schwartz
Hall	Strong
Harrington	Word
Herring	

Nays—8

Blanchard	Hardeman
Connally	Parkhouse
Creighton	Ratliff
Grover	Watson

Absent

Hazlewood	Wade
Moore	

Absent—Excused

Cole	Wilson
Kennard	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 208, A bill to be entitled "An Act authorizing the Texas State Department of Health to adopt and enforce rules and regulations concerning camping or housing facilities for migrant agricultural labor; providing for issuance of permits for construction and operation of such facilities; providing for injunctions and penalties for violation; and declaring an emergency."

The bill was read second time and failed to pass to third reading.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 411, A bill to be entitled "An Act amending Section 4 (h) and Section 4 (j), of House Bill 70, Acts of 1957, 55th Legislature, Page 704, Chapter 298, State of Texas, codified as Article 1269 1-3, Vernon's Revised Civil Statutes of Texas, so as to include 'an open land area' within the definition of the term 'slum area' and/or within the provisions for an 'urban renewal project'; providing a savings clause; and declaring an emergency."

S. J. R. No. 24, Proposing an amendment to Article 8 of the Constitution of the State of Texas by adding a Section 2-a to authorize the Legislature to provide a system for exempting certain property from ad valorem taxation.

(With Amendments.)

S. B. No. 191, A bill to be entitled "An Act to amend Article 4.03 of the Texas Business Corporation Act, Acts of 1955, 54th Legislature, page 239, Chapter 64, as amended, by adding a new Section C to said Article 4.03 relating to class voting on amendments so as to provide that Section B of Article 4.03 shall not apply to the holders of the outstanding shares of any class not entitled to vote on a proposed amendment by virtue of the provisions of the Articles of Incorporation if the provisions of the Articles of Incorporation applicable to such class set forth specific limitations and restrictions within which the corporation may take the action contemplated by the proposed amendment and if the action contemplated by the proposed amendment is within the limitations and restrictions so specified; and declaring an emergency."

S. B. No. 301, A bill to be entitled "An Act amending Article 4495 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the composition of the Texas State Board of Medical Examiners; their qualifications; terms of office, their appointment; and amending Article 4506, of the Revised Civil Statutes of Texas, 1925, as amended, so as to grant authority to the Texas State Board of Medical Examiners to probate its orders to revoke, cancel, or suspend

the license of a practitioner; providing the procedure whereby such probation may be effectuated; repealing laws in conflict; and declaring an emergency."

(With amendment.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 58, A bill to be entitled "An Act clarifying, revising, and amplifying civil and criminal laws relating to general, special, and primary elections held by the state, by counties, cities, and other political subdivisions of the state, and by political parties; amending certain existing sections of the Texas Election Code, reenacting certain sections to cure possible defects in the previous enactment of penal provisions, etc., and declaring an emergency."

House Joint Resolution 12 on Second Reading

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 12, A Joint Resolution proposing an amendment to the Constitution of Texas adding a section to be known as Section 49-e of Article III, providing for the issuance and sale of bonds of the State of Texas to create the Texas Park Development Fund to provide for the acquisition of lands for State Park Sites and for developing said sites as State Parks; providing for the payment of such bonds; designating an agency to administer said Fund and to perform other duties prescribed by law; and providing for the calling of an election and the publication and issuance of the proclamation therefor.

The resolution was read second time.

Senator Hardeman offered the following amendment to the resolution:

Amend H. J. R. No. 12, Sec. 1, by striking the words "general obligation bonds of the State of Texas" wherever same appear and insert in lieu the words "revenue bonds."

The amendment was read.

Question on the adoption of the amendment by Senator Hardeman, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—13

Aikin	Herring
Bates	Jordan
Bernal	Parkhouse
Berry	Ratliff
Blanchard	Reagan
Brooks	Watson
Hardeman	

Nays—14

Christie	Kennard
Connally	Mauzy
Creighton	Patman
Grover	Schwartz
Hall	Strong
Harrington	Wade
Hightower	Word

Absent

Hazlewood	Moore
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Absent—Excused

Cole	Wilson
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(Senator Aikin in the Chair.)

The resolution was passed to third reading.

Record of Votes

Senators Herring, Parkhouse, Brooks, Hardeman, Reagan and Jordan asked to be recorded as voting "Nay" on the passage of the resolution to third reading.

Motion to Place House Joint Resolution 12 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 12 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—21

Aikin	Hightower
Bates	Kennard
Bernal	Mauzy
Berry	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Strong
Hall	Wade
Harrington	Word
Hazlewood	

Nays—6

Blanchard	Herring
Brooks	Jordan
Hardeman	Watson

Absent

Moore	Reagan
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Absent—Excused

Cole	Wilson
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(President in the Chair.)

House Bill 780 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 780, A bill to be entitled "An Act relating to proceedings against children for certain offenses; giving the juvenile court exclusive jurisdiction in certain cases; establishing a procedure for waiver of jurisdiction and transfer for criminal proceedings in certain cases; amending Sections 3, 5, 6, 12, and 13, Chapter 204, Acts of the 48th Legislature, 1943, as amended (Article 2338-1, Vernon's Texas Civil Statutes); amending Article 30, Penal Code of Texas, 1925; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 780 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 780 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Word
Herring	

Absent—Excused

Cole Wilson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Joint Resolution 61 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 61, Proposing an amendment to Section 24, Article III, Constitution of the State of Texas, to provide that members of the Legislature shall receive as salary an amount not exceeding \$8,400 per year and to extend to 140 days of the Regular Session the per diem allowance of members of the Legislature.

The resolution was read second time and passed to third reading.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of the resolution to third reading.

House Joint Resolution 61 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on

three several days be suspended and that H. J. R. No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Harrington	Wade
Herring	Watson
Hightower	Word

Nays—3

Aikin Hardeman
Hall

Absent

Hazlewood Moore

Absent—Excused

Cole Wilson

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—26

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Harrington	Strong
Hazlewood	Wade
Herring	Watson
Hightower	Word

Nays—3

Aikin Hardeman
Hall

Absent—Excused

Cole Wilson

House Bill 166 on Second Reading

Senator Bates asked unanimous consent to suspend the regular order of business and take up H. B. No. 166 for consideration at this time.

There was objection.

Senator Bates then moved to suspend the regular order of business and take up H. B. No. 166 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Moore
Christie	Parkhouse
Connally	Patman
Grover	Ratliff
Hall	Reagan
Hardeman	Schwartz
Harrington	Wade
Herring	

Nays—7

Aikin	Strong
Blanchard	Watson
Creighton	Word
Hazlewood	

Absent

Hightower

Absent—Excused

Cole	Wilson
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 166, A bill to be entitled "An Act defining certain words and terms as used herein; requiring that school districts of this State, as herein defined, employ teachers by probationary contract or by continuing contract as herein defined, under the circumstances and procedures and with the terms, provisions, and consequences herein prescribed; etc.; and declaring an emergency."

The bill was read the second time.

Senator Bates offered the following Committee Amendment to the bill:

Amend H. B. 166, Section 1, Sub-

section (c), by striking out the entire Subsection (c) and substituting in lieu thereof the following:

"(c) 'Teacher' means one engaged in classroom instruction of academic subjects who holds a permanent teaching certificate under the laws of this State and for whom certification is required by the employing board of trustees."

The Committee Amendment was read and was adopted.

Senator Bates offered the following Committee Amendment to the bill:

Amend H. B. 166, Section 1, Subsection (e), by striking out the entire sub-section and substituting in lieu thereof the following:

(e) "Inefficiency" means the inability to perform, or the persistent failure to perform, the duties of a specified employment in a manner equal to or in excess of the minimum standard of competence generally required or accepted for the particular duties or position.

The Committee Amendment was read and was adopted.

Senator Bates offered the following Committee Amendment to the bill:

Amend H. B. 166 by deleting all of Section 2, and substituting in lieu thereof the following:

Section 2. Teachers to be employed by either probationary contracts or continuing contracts. Each teacher hereafter employed by any school district in this State shall be employed under, and shall receive from such district, a contract that is either a "probationary contract" or a "continuing contract" in accordance with the provisions of this Act if the school board chooses to offer such teacher a "probationary contract" or a "continuing contract." All such contracts shall be in writing, in such form as may be promulgated by or approved by the State Commissioner of Education of the State of Texas, and shall embody the terms and conditions of employment hereinafter set forth, and such other provisions not inconsistent with this Act, as may be appropriate.

The Committee Amendment was read and was adopted.

Senator Bates offered the following Committee Amendment to the bill:

Amend H. B. 166, in sub-section (g) of Section 6, by deleting the word "or," by changing the period at the end of the sub-section to a comma, and by adding thereto the following:

"good cause being the failure of a teacher to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts throughout Texas."

The Committee Amendment was read and was adopted.

Senator Bates offered the following Committee Amendment to the bill:

Amend H. B. 166, in Section 7 thereof, by adding a comma following the phrase "in Section 5 above," and by adding the word "before" between the word "or" and the phrase "any teacher holding a continuing contract," all in the first sentence of sub-section (a) thereof.

The Committee Amendment was read and was adopted.

Senator Bates offered the following amendment to the bill:

Amend H. B. 166 by adding thereto a new section following Section 8 of the bill, such new section to be known as Section 9, and renumbering all subsequent sections accordingly, such new Section 9 to read as follows:

Section 9. All rights and privileges granted by this Act shall be cumulative of existing law, and should any portion thereof be found to be in conflict with any provision of existing law, the provisions hereof shall prevail.

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend House Bill 166 by adding the following sentence to Section 7(a):

"Any teacher so discharged or dismissed or returned to probationary contract status shall be entitled, as a matter of right, to a copy of each and every evaluation report, or any other memorandum in writing which has been made touching or concerning

the fitness or conduct of such teacher, by requesting, in writing, a copy of the same."

The amendment was read and was adopted.

On motion of Senator Bates, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Question—Shall H. B. No. 166 as amended be passed to third reading?

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

May 24, 1967.

The Honorable Preston Smith
Lieutenant Governor
State Capitol
Austin, Texas

Dear Lieutenant Governor:

Pursuant to House Concurrent Resolution Number 138, I am returning to the Senate for correction the following bill: Senate Bill Number 29 relating to amending Article 2922-13 of Vernon's Texas Civil Statutes by redefining the term "exceptional children" to include language handicapped children and by defining "language handicapped children" and by removing pilot study and classroom limitations.

With kindest regards,

Sincerely,

JOHN CONNALLY

Senate Bill 301 with
House Amendment

Senator Ratliff called S. B. No. 301 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment 1

Amend Section 2 of S. B. No. 301 by deleting all of Section 2 and substituting in lieu thereof the following:

"Sec. 2. Article 4506 of the Revised Civil Statutes of Texas, 1925, as

amended, is amended to read as follows:

"Art. 4506. Revocation, cancellation or suspension of license

The Texas State Board of Medical Examiners shall have the right to cancel, revoke, or suspend the license of any practitioner of medicine upon proof of the violation of the law in any respect with regard thereto, or for any cause for which the Board shall be authorized to refuse to admit persons to its examination, as provided in Article 4505 of the Revised Civil Statutes of Texas, 1925, as amended.

Proceedings under this Article shall be begun by filing charges with the Texas State Board of Medical Examiners in writing and under oath. Said charges may be made by any person or persons. The President of the Texas State Board of Medical Examiners shall set a time and place for hearing, and shall cause a copy of the charges, together with a notice of the time and place fixed for hearing, to be served on the respondent or his counsel at least ten (10) days prior thereto. When personal service is impossible, or cannot be effected, the Board shall cause to be published once a week for two (2) successive weeks a notice of the hearing in a newspaper published in the county wherein the respondent was last known to practice, and shall mail a copy of the charges and of such notice to the respondent at his last known address. When publication of the notice is necessary, the date of hearing shall not be less than ten (10) days after the date of the last publication of the notice. At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board shall thereupon determine the charges upon their merits. All charges, complaints, notices, orders, records and publications authorized or required by the terms of this Act shall be privileged.

Any person whose license to practice medicine has been cancelled, revoked or suspended by the Board may, within twenty (20) days after the making and entering of such order, take an appeal to any of the district courts in the county of his residence, but the decision of the Board shall not

be enjoined or stayed except on application to such district court after notice to the Board. The proceeding on appeal shall be under the substantial evidence rule, and which appeal shall be taken in any District Court of the county in which the person whose certificate of registration or license is involved, resides. Upon application, the Board may reissue a license to practice medicine to a person whose license has been cancelled or suspended, but such application, in the case of cancellation or revocation, shall not be made prior to one (1) year after the cancellation or revocation, and shall be made in such manner and form as the Board may require.

Provided, however, that the Board shall have the right and may, upon majority vote, rule that the order revoking, cancelling, or suspending the practitioner's license be probated so long as the probationer conforms to such orders and rules as the Board may set out as the terms of probation. The Board, at the time of probation, shall set out the period of time which shall constitute the probationary period. Provided further, that the Board may at any time while the probationer remains on probation hold a hearing, and upon majority vote, rescind the probation and enforce the Board's original action in revoking, cancelling, or suspending the practitioner's license, the said hearing to rescind the probation shall be called by the President of the Texas State Board of Medical Examiners who shall cause to be issued a notice setting a time and place for the hearing and containing the charges or complaints against the probationer, said notice to be served on the probationer or his counsel at least ten (10) days prior to the time set for the hearing. When personal service is impossible, or cannot be effected, the same provisions for service in lieu of personal service as heretofore set out in this Act shall apply. At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board shall thereupon determine the charges upon their merits. All charges, complaints, notices, orders, records and publications authorized or required by the terms of this

Act shall be privileged. The order revoking or rescinding the probation shall not be subject to review or appeal."

The House amendment was read.

Senator Ratliff moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Cole

**Senate Joint Resolution 24
with House Amendments**

Senator Wilson called S. J. R. No. 24 from the President's Table for consideration of the House amendments to the resolution.

The President laid the resolution and the following House amendments before the Senate:

Committee Amendment 1

Amend S. J. R. 24 by striking all below the resolving clause and substituting therefor the following:

"Section 1. Article 8, Constitution of the State of Texas, is amended by adding a Section 2-a to read as follows:

"Section 2-a. (a) The Legislature may, by general law, exempt from ad valorem taxation by the State and its political subdivisions all or a portion of any equipment, device or improvement installed or constructed on real property, which is designed to reduce the harmful effect of air emissions or water effluents on the air and water quality in this State, to the extent

that the capital investment in such property is made to comply with or to exceed air or water quality standards established by law.

'(b) Legislation which may be enacted in anticipation of the adoption of this section is not void because of its anticipatory nature.'

"Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1968, at which election all ballots shall have printed thereon the following:

'FOR the constitutional amendment giving permissive authority to the Texas Legislature to exempt from ad valorem taxation by the State of Texas and its political subdivisions equipment installed on real property to reduce the harmful effect of air emissions and water effluents, provided that the capital investment in such equipment complies with the air and water quality standards established by the State of Texas.

'AGAINST the constitutional amendment giving permissive authority to the Texas Legislature to exempt from ad valorem taxation by the State of Texas and its political subdivisions equipment installed on real property to reduce the harmful effect of air emissions and water effluents, provided that the capital investment in such equipment complies with the air and water quality standards established by the State of Texas.

"Section 3. The Governor shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time required by the Constitution and laws of this State. The publication of this amendment shall be limited to the publication of Sections 1 and 2 of this resolution only.

Amendment 2

Amend Committee Amendment No. 1 to S. J. R. No. 24 by striking the word "reduce" wherever it occurs in such resolution and substituting therefor the words "eliminate or abate."

The House amendments were read.

Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Herring
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Strong
Hall	Wade
Hardeman	Wilson
Harrington	Word
Hazlewood	

Nays—3

Hightower	Watson
Schwartz	

Absent—Excused

Cole

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House
has passed the following:

H. C. R. No. 136, Creating the
Parking and Traffic Committee.

H. C. R. No. 151, In memory of Dr.
Ira L. Kohler.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 293 on Second Reading

On motion of Senator Word and by
unanimous consent, the regular order
of business was suspended to take up
for consideration at this time on its
second reading and passage to third
reading:

H. B. No. 293, A bill to be entitled
"An Act adopting the Business &
Commerce Code; formally revising
and reenacting certain statutes of a
commercial nature, including the
Uniform Commercial Code and stat-
utes relating to competition and
trade practices, insolvency, fraudulent
transfers, and fraud, and miscella-
neous commercial subjects; repealing

the statutes disposed of by the code;
and declaring an emergency."

The bill was read second time.

Senator Word offered the following
Committee Amendment to the bill:

Amend H. B. 293, Chapter 2, Sub-
chapter C, Sec. 2.316, by adding the
following subsection:

"(e) The implied warranties of
merchantability and fitness shall not
be applicable to the furnishing of
human blood, blood plasma, or other
human tissue or organs from a blood
bank or reservoir of such other tis-
sues or organs. Such blood, blood
plasma or tissue or organs shall not
for the purpose of this Title be con-
sidered commodities subject to sale
or barter, but shall be considered as
medical services."

The Committee Amendment was
read and was adopted.

On motion of Senator Word, and by
unanimous consent, the caption was
amended to conform to the body of
the bill as amended.

The bill as amended was passed to
third reading.

House Bill 293 on Third Reading

Senator Word moved that the Con-
stitutional Rule and Senate Rule 32
requiring bills to be read on three
several days be suspended and that
H. B. No. 293 be placed on its third
reading and final passage.

The motion prevailed by the fol-
lowing vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 292 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 292, A bill to be entitled "An Act adopting a Code of Construction Act; defining general terms and providing general rules for the construction of codes (and amendments to them) enacted pursuant to the state's continuing statutory revision program; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 292 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 292 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 776 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 776, A bill to be entitled "An Act amending Section (10), Article 19.01, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, relating to annual occupation tax and license fee on billiard tables; and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Votes

Senators Blanchard, Hardeman, and Patman asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 776 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 776 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	Moore
Brooks	Parkhouse
Christie	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hall	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Nays—5

Blanchard	Patman
Hardeman	Ratliff
Hightower	

Absent—Excused

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Blanchard, Patman, Ratliff, Hightower, and Hardeman asked to be recorded as voting "Nay" on the final passage of the bill.

Committee Substitute House Bill 457 on Second Reading

On motion of Senator Connally and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 457, A bill to be entitled "An Act authorizing the producers of any agricultural commodity to conduct a referendum, either on an area or statewide basis, on the proposition of whether or not such producers shall levy an assessment upon themselves, to finance programs of research, education, and promotion, designed to encourage the production, marketing, and use of such agricultural commodity; limiting the amount of such assessment; providing for the administration of such programs; providing for the collection of such assessment and providing certain exemptions; providing for refund of such assessment; providing for termination of such assessment; prescribing procedures; prescribing penalties; and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the passage of the bill to third reading.

Committee Substitute House Bill 457 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 457 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Hightower	Word

Nays—2

Grover Herring

Absent—Excused

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senators Grover and Herring asked to be recorded as voting "Nay" on the final passage of the bill.

House Bill 1049 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1049, A bill to be entitled "An Act making supplemental appropriations to the State Department of Public Welfare for administrative expenses for the period beginning June 1, 1967, and ending August 31, 1967, for the purpose of making plans to implement benefits to patients in institutions under the 'Medical Assistance Act of 1967'; reappropriating unexpended balances; fixing an effective date; providing a repealing clause; providing a saving clause; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1049 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32

requiring bills to be read on three several days be suspended and that H. B. No. 1049 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Cole

House Bill 867 on Second Reading

Senator Hall asked unanimous consent to suspend the regular order of business and take up H. B. No. 867 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take up H. B. No. 867 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Parkhouse
Christie	Ratliff
Connally	Reagan
Grover	Strong
Hall	Watson
Harrington	Wilson
Hazlewood	Word

Nays—6

Aikin	Herring
Creighton	Patman
Hardeman	Schwartz

Absent

Moore

Wade

Absent—Excused

Cole

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 867, A bill to be entitled "An Act relating to the certification and regulation of shorthand reporters; providing penalties for violation; amending Article 2321, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill was read second time.

Senator Hall offered the following Committee Amendment to the bill:

Amend H. B. No. 867 by inserting the words "sub-section (3) of" between the words "under" and "this" where they appear consecutively in the first sentence of Sub-Section (4) of Section 18 of the bill.

The Committee Amendment was read and was adopted.

Senator Hall offered the following Committee Amendment to the bill:

Amend H. B. No. 867 by adding the word "or" after the semicolon at the end of sub-section (1) of Section 18 of the bill.

The Committee Amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend H. B. No. 867 by striking out all of Section 3 and substituting in lieu thereof the following:

Sec. 3. Creation and Membership. There is created a State Board of Shorthand Reporter Examiners. It consists of:

(1) Two members who are licensed to practice law in the State of Texas and who have been actively engaged in the practice of law in the State of Texas for not less than ten years next preceding the date of enactment hereof.

(2) Four members who are bona fide residents of the State of Texas and who have been for not less than ten years next preceding date of enactment hereof Official Court Reporters in the District Courts of the State of Texas, and all subsequent members appointed as members of such board shall have been Official Court Reporters in the District Courts of the State of Texas for not less than ten years next preceding date of their appointment to such board.

The amendment was read and failed of adoption.

Senator Herring offered the following amendment to the bill:

Amend H. B. No. 867, Sec. 21, by adding thereto the following:

Sec. 21 shall be amended by adding thereto:

Nothing in this Act shall be construed to supersede, interfere with or in any manner affect the Texas Rules of Civil Procedure prescribed by the Supreme Court of Texas pertaining to the taking and returning of depositions, either by oral examination or upon written interrogatories, returnable to any District, County or Justice Court in the State of Texas.

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend H. B. No. 867, Sec. 15, by adding thereto the following:

Sec. 15 shall be amended by adding thereto:

(d) No Official Court Reporter em-

ployed in any District or County Court in the State of Texas shall be required to pay, nor shall there be collected therefrom, any fee for certification under this Act or for renewal of such certification.

The amendment was read and failed of adoption.

Senator Herring offered the following amendment to the bill:

Amend H. B. No. 867, Section 21 shall be amended by adding thereto:

Nothing in this Act shall be construed to in any manner contravene, supersede or repeal any of the provisions of Article 3746, Vernon's Annotated Texas Civil Statutes, and nothing in this Act shall affect in any manner the authority of Notaries Public or other officers authorized by law to administer oaths to execute commissions for the taking of depositions by oral examination or upon written interrogatories, or to take and return oral and written depositions taken by agreement of counsel for use in any proceeding, Civil or Criminal, in any District Court, County Court or Justice Court in this state or in any other state.

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend H. B. 867 by adding a new Section (3-a) to Sec. 18 thereof, as follows:

"(3-a) has prior to the effective date of this Act complied with the provisions of Article 2321, Revised Civil Statutes of Texas, by taking and passing the examination required by said Article."

The amendment was read.

Pending discussion by Senator Schwartz of the amendment, Senator Hardeman occupied the Chair.

(President in the Chair.)

Senator Hall asked unanimous consent to reconsider the vote by which the fourth amendment by Senator Herring to H. B. No. 867 was adopted.

There was objection.

Senator Hall then moved to reconsider the vote by which the fourth

amendment by Senator Herring to H. B. No. 867 was adopted.

The motion to reconsider prevailed by the following vote:

Yeas—18

Aikin	Hall
Bates	Harrington
Bernal	Hazlewood
Berry	Hightower
Blanchard	Jordan
Brooks	Mauzy
Christie	Ratliff
Connally	Strong
Grover	Word

Nays—8

Hardeman	Patman
Herring	Reagan
Kennard	Schwartz
Parkhouse	Watson

Absent

Creighton	Wade
Moore	Wilson

Absent—Excused

Cole

Question recurring on the adoption of the amendment by Senator Herring to H. B. No. 867, the amendment failed of adoption.

Question—Shall the amendment by Senator Schwartz to H. B. No. 867 be adopted?

Motion to Recess

Pending discussion by Senator Schwartz of his amendment, Senator Connally moved that the Senate take recess until 8:00 o'clock p.m. today.

Question on the motion to take recess until 8:00 o'clock p.m. today, the motion was lost.

House Bill 426 Re-referred

On motion of Senator Kennard, and by unanimous consent, H. B. No. 426 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Public Health.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 917 by vote of 130 ayes, 6 noes.

S. B. No. 242, A bill to be entitled "An Act relating to the practice of professional nursing; amending Articles 4518, as amended, 4525, and 4528 of, and adding Articles 4527a and 4527b to, Revised Civil Statutes of Texas, 1925; repealing Articles 776 and 777, Penal Code of Texas, 1925; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN.

Chief Clerk, House of Representatives

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Dear Lieutenant Governor:

Pursuant to House Concurrent Resolution No. 142, I am returning to the Senate for correction the following bill: Senate Bill No. 28, relating to authorizing the Central Education Agency to establish a special pilot program for pre-school children who have language disorders and providing for the method of financing the program.

Sincerely,

JOHN CONNALLY
Governor

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 145, A bill to be entitled "An Act to amend the following Articles of the Code of Criminal Procedure, 1965, as amended; etc.; and declaring an emergency."

Motion to Place House Joint Resolution 60 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order

of business and take up H. J. R. No. 60 for consideration at this time.

There was objection.

Memorial Resolutions

S. R. No. 712—By Senator Mauzy: Memorial resolution for Robert Claude Benavides.

S. R. No. 717—By Senator Herring: Memorial resolution for Dr. B. A. Kirkpatrick.

Welcome and Congratulatory Resolutions

S. R. No. 709—By Senator Christie: Extending congratulations to Mrs. Victor C. Moore.

S. R. No. 710—By Senator Christie: Extending congratulations to M. D. Feinberg and family.

S. R. No. 711—By Senator Herring: Extending welcome to teachers and students of Texas School for the Deaf.

S. R. No. 714—By Senators Bernal and Berry: Extending welcome to teachers and students of Our Lady of Sorrows School of San Antonio.

S. R. No. 715—By Senator Hall: Extending welcome and privileges of the floor for the day to Miss Jo Ann Turk.

S. R. No. 716—By Senator Aikin: Extending welcome and privileges of the floor for the day to Mrs. Martha Crawford and daughter.

Recess

On motion of Senator Connally the Senate at 4:35 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 85, An Act relating to mentally retarded persons and re-

sponsibility for their support and maintenance as students in State Schools; amending Section 21, Chapter 119, Acts of the 54th Legislature, 1955 (Article 3871b, Vernon's Texas Civil Statutes); and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 58, An Act clarifying, revising, and amplifying civil and criminal laws relating to general, special, and primary elections held by the state, by counties, cities, and other political subdivisions of the state, and by political parties; amending certain existing sections of the Texas Election Code, reenacting certain sections to cure possible defects in the previous enactment of penal provisions, see *Ex parte Meyer*, 357 S.W. 2d 754; repealing certain sections, and adding new sections, as follows: amending Section 1a (Article 1.01a, Vernon's Texas Election Code), relating to definitions; amending Section 3 (Article 1.03), relating to the duties of the Secretary of State as chief election officer of the state; amending Sections 5 and 6 (Articles 1.05 and 1.06), relating to ineligibility to be nominated for or elected or appointed to public office; amending Section 7 (Article 1.07), to delete the definition of "executive or administrative public office"; amending Subsection (g), Section 10 (Article 2.02), relating to formation and consolidation of election precincts; amending Section 11 (Article 2.03), to authorize an itemized expense statement for use of a public building for the election and authorizing all counties to construct or purchase buildings for holding the election where no public building is available; amending Paragraph (b), Section 12 (Article 2.04), relating to formation of election precincts by the commissioners court; amending Paragraph (a) and (b), Section 15 (Article 3.01), relating to appointment of election judges and clerks; amending Section 17 (Article 3.03), relating to qualifications of election judges, clerks

and watchers; amending Section 21 (Article 3.07), relating to service, duties, and privileges of watchers; amending Section 22 (Article 3.08), relating to pay of election judges and clerks; adding Section 23a, relating to a school of instruction for election officers; amending Section 31 (Article 4.08), relating to the consequences of a tie vote; amending Section 32b (Article 4.11), relating to special elections for United States Representative; amending Section 32c (Article 4.12), relating to special elections for members of the Legislature; amending Section 36 (Article 5.04), relating to an affidavit to be signed by all voters in a bond election or other election to lend credit, expend money, or assume debt, in lieu of the present requirement for a certified list of owners of duly rendered taxable property, and providing a criminal penalty for giving false information in the affidavit; amending Section 37 (Article 5.05), relating to absentee voting, by adding Subdivision 2b, relating to furnishing of absentee ballots and signing of the ballots by the clerk; by adding Subdivision 4c, relating to the period for absentee voting in certain elections; by amending Subdivision 3, relating to absentee voting by personal appearance and appointment of watchers therefor; by amending Subdivision 6, relating to counting of ballots in countywide elections; by amending Subdivision 11, to make certain changes in regard to posting names of absentee voters and inspection of applications for ballots, and to delete a criminal penalty which is in conflict with Article 241 of the Penal Code; by amending Subdivision 14, relating to branch offices for absentee voting by personal appearance; by amending Subdivision 17, relating to allocation of absentee and limited-ballot votes for determining precinct representation in county conventions; adding Section 37a, relating to voting by new residents of the state in presidential elections; adding Section 37b, relating to voting by former residents of the state in presidential elections; adding Section 37c, relating to voting by persons having less than six months residence in the county; adding Section 37d, relating to general provisions on voting by persons not meeting full residence requirements; amending Section 40 (Article 5.08), relating to rules for determining residence; amending Subsection (f), Sec-

tion 58 (Article 6.02), relating to a criminal penalty for failing or refusing to require a loyalty affidavit; amending Section 61 (Article 6.05), relating to the form of the ballot; amending Section 61c (Article 6.05c), relating to the order of offices and names of candidates on the ballot; adding Section 62a, relating to write-in votes when the title of the office voted for is not on the ballot; amending Section 63 (Article 6.07), relating to the method of submission of constitutional amendments and other questions; amending Section 71 (Article 7.07), relating to the composition and duties of the county election board; amending Section 79 (Article 7.14), relating to voting machines, as follows: amending Section 14, relating to instructions for voters in the polls; amending Section 18, relating to procedures after the polls are closed, for recording the votes and reporting the results of the election; by adding Section 80 thereto, authorizing and providing for electronic voting systems; amending Section 84 (Article 8.02), relating to procedures preliminary to opening the polls at polling places where paper ballots are used; amending Section 101 (Article 8.19), relating to deposit and counting of ballots; amending Section 104 (Article 8.22), relating to the death, declination, or ineligibility of a nominee or candidate before an election; amending Section 105 (Article 8.23), relating to revealing information concerning the voting at an election before the polls are closed, and containing a criminal penalty; amending Section 109 (Article 8.27), relating to loitering, electioneering, and using a sound truck within certain distances of the polls, and stating a criminal penalty; reenacting Section 114 (Article 8.32), relating to time for delivery of returns and voted ballots to the county clerk, period for retention, and destruction of ballots, and containing a criminal penalty; amending Section 125 (Article 8.43), relating to certification to the Secretary of State of a list of county and precinct officers elected in each general election; adding Section 166a, relating to a recount of paper ballots in certain situations; amending Section 170a (Article 11.01a), relating to parties entitled to nominate presidential elector candidates; amending Section 179a (Article 13.01a), defining who are members of organ-

ized political parties and containing a criminal penalty; amending Section 182 (Article 13.04), relating to polling places of political parties in primary elections; amending Section 184 (Article 13.06), to authorize election judges to appoint special peace officers and to enforce the Code; amending Section 185a (Article 13.07a), relating to the deposit which must accompany the application of a candidate for a place on the ballot in a primary election; amending Section 186 (Article 13.08), relating to assessment of candidates by county executive committees to defray costs of primary elections; amending Section 186b (Article 13.08b), relating to refund of fees and assessments upon the death, declination, withdrawal, or ineligibility of candidates in primary elections; amending Section 187 (Article 13.09), relating to the form of the primary ballot and limiting write-in votes; amending Subsections 2 and 3, and adding Subsection 2a, Section 190 (Article 13.12), relating to application for a place on the primary ballot, the effect of the death of a primary candidate, and the filing of lists of candidates; amending Subsections (1), and (2)(iii), Section 190a (Article 13.12a) and adding a new Subsection (8), relating to nomination and election to fill an unexpired term at the general election where the vacancy in office arises too late for making nominations by regular nominating procedures; amending Section 195 (Article 13.17), relating to the order of offices and names on the first and second primary election ballot; amending Section 196a (Article 13.18a), relating to composition and procedures of district and precinct executive committees; amending Section 196b (Article 13.18b), relating to certification, recording, and mailing of lists of the names of elected party officers; amending Section 201 (Article 13.23), relating to delivery of primary election ballots to the county clerk; amending Section 202 (Article 13.24), relating to making of returns and canvass of results of primary elections; amending Section 204a (Article 13.26a), relating to the effect of withdrawal of a candidate in the second primary; amending Section 205 (Article 13.27), relating to the canvass of primary election returns by the state executive committee; amending paragraph (3) of Section 208 (paragraph 3 of Article 13.30), to

provide that an election contest shall be filed within 10 days from the canvass by the state executive committee as to state-wide or district offices involving more than one county and within 10 days from the canvass by the county executive committee as to precinct, county or district offices consisting of only one county or a part of only one county, and providing a contestee five days after service of process on him in which he may file a contest in any county in which the contestant has not filed a contest; amending Section 212 (Article 13.34), relating to the composition and conduct of state, senatorial district, county, and precinct conventions; amending Section 217 (Article 13.39), relating to certificates of nomination; amending Section 218 (Article 13.41), relating to mandamus against party officers; amending Sections 222 and 224 (Articles 13.45 and 13.47), relating to nominations and conventions of parties receiving less than 200,000 votes for governor at the last preceding general election, and adding Section 222a, relating to regulation of party affairs and conventions of such parties; amending Section 4 of Section 224a (Section 4 of Article 13.47a), to exempt independent candidates from necessity of filing declaration of intent required by Section 224a (Article 13.47a) where filing deadline is extended because of death of a primary candidate; amending Subsections (b), (c), and (e), Section 233 (Article 13.56), relating to declination, death, or ineligibility of a party nominee before the general election; amending Section 235 (Article 13.58), relating to election of delegates to national conventions of political parties; reenacting Section 242 (Article 14.06), relating to unlawful campaign expenditures and providing a criminal penalty; amending Subsections (b) and (h), reenacting Subsection (g), and adding Subsection (k), Section 244 (Article 14.08), relating to filing and contents of statements of campaign contributions and expenditures, forfeiture of place on ballot and criminal liability for noncompliance, and inspection and preservation of statements; amending Subsection (b), Section 246 (Article 14.10), relating to political advertising, and containing a criminal penalty; amending Article 240, Penal Code of Texas, 1925, relating to participation in primary elections or conventions of more than

one political party; amending Article 259, Penal Code of Texas, 1925, relating to hiring of vehicles to convey voters to the polling place and removal of ballots from the polling place; amending Sections 32, 33, and 35, Article I, Texas Liquor Control Act (Articles 666-32, 666-33, and 666-35, Vernon's Texas Penal Code), relating to local option elections on the sale of alcoholic beverages, and adding Section 32½, Article I, Texas Liquor Control Act, relating to payment for the expense of holding such elections and providing a penalty for issuance of a petition for an election under certain circumstances; amending Articles 978, 1144, and 1158, Revised Civil Statutes of Texas, 1925, relating to city elections; amending Section 2, Chapter 467, Acts of the 59th Legislature, Regular Session, 1965 (Section 2, Article 978a, Vernon's Texas Civil Statutes), relating to joint city and school district elections; amending Section 1, Chapter 4, Acts of the 41st Legislature, 4th Called Session, 1930 (Article 1735a, Vernon's Texas Civil Statutes), relating to issuance of mandamus in connection with elections and political party conventions; repealing the following sections of the Texas Election Code: Section 63a (Article 6.08), Section 182A (Article 13.04A), Section 182b (Article 13.04b), Section 186c (Article 13.08c), and Section 217a (Article 13.40); repealing Chapters 9 and 10, Title 6 (Articles 270-280), Penal Code of Texas, 1925; repealing Section 36½, Article I, Texas Liquor Control Act (Article 666-36½, Vernon's Texas Penal Code), repealing Chapter 44, Acts of the 52nd Legislature, 1951 (Article 3158a, Vernon's Texas Civil Statutes, and Article 3154(a), Revised Civil Statutes of Texas, 1925); providing for non-applicability of the Act to elections ordered before its effective date; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 145, An Act to amend the

following Articles of the Code of Criminal Procedure, 1965, namely, Article 1.14, relating to waiver of rights; Article 1.15, relating to juries in felony cases; Subsection (b) of Article 2.03, relating to neglect of duty; Article 2.07, relating to attorney pro tem; Article 2.12, defining peace officer; adding a new Article 2.24, relating to identification of witnesses; Article 11.07, relating to writs of habeas corpus; Article 14.01, relating to arrest for offense within view; Article 14.03, relating to arrest by peace officers without warrant; Article 14.06, relating to the taking of offenders before magistrates; Article 15.16, relating to the execution of warrants; Article 15.17, defining duties of arresting officer and magistrate; Article 15.26, relating to authority to arrest; Section 2 of Article 17.11, relating to bail bonds; Article 1830, relating to the sale of unclaimed or abandoned property; Article 21.08, relating to allegations of ownership in indictments; Article 27.02, relating to defendant's pleadings; Article 27.14, relating to plea of guilty or nolo contendere in misdemeanors; Article 28.01, relating to pre-trial by adding a new Section to be numbered 3; Article 35.13, relating to the passing of jurors for challenge; Article 36.09, relating to severance on separate indictments; Article 37.07, relating to verdicts; Article 38.22, relating to confessions; Article 39.02, relating to depositions for defendant; Article 39.03, relating to officers taking depositions; Article 39.07, relating to certificates; paragraphs 5, 6(a), 7 and 12 of Article 40.09, relating to the record on appeal; Article 42.03, relating to sentencing; Article 42.12, relating to the adult probation and parole law by adding a new Section to be numbered 6a and amending Sections 10, 12 (under "B. Probations"), 15, 16, 18 and 27 of said Article 42.12; Sections 3 and 5 of Article 42.13, relating to the misdemeanor probation law; Article 44.11, relating to effect of appeals; Article 44.23, relating to determination of appeals; Article 46.02, relating to insanity in defense or in bar; Article 52.01, relating to conducting of Courts of Inquiry by county and district judges; Article 52.02, relating to evidence, depositions and affidavits; Article 52.03, relating to subpoenas; Article 52.04, relating to rights of witnesses; Article 52.05, relating to testimony of witnesses; Ar-

ticle 52.09, relating to payment of costs of conducting Courts of Inquiry; repealing Article 82 of the Penal Code of Texas; saving confessions made prior to the effective date of the Act; providing a severability clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

May 24, 1967

S. B. No. 145

S. B. No. 58

S. B. No. 85

S. C. R. No. 9

S. C. R. No. 12

S. C. R. No. 86

In Memory of
Leighton M. Read

Senator Herring offered the following resolution:

(Senate Resolution 713)

Whereas, The friends, family, associates and people of Austin and the Hillsboro area were deeply saddened by the untimely death of Leighton M. Read on Sunday, May 21, 1967, at the age of 50; and

Whereas, He had been a resident of Austin for 17 years and was a member of the Highland Park Baptist Church; and

Whereas, He was a graduate of The University of Texas with a B.S. degree; during World War II, he served with the rank of Captain as a fighter pilot with the American Eagle Squadron, Eighth Air Force; and

Whereas, At the time of his death he was the director of General Liability Division of the State Board of Insurance; and

Whereas, He is survived by his wife; one son, Joe Dean; a brother, John G. Read, Jr.; one sister, Mrs. Weldon Watson; all of Austin; and his mother, Mrs. John G. Read, Sr., of Hillsboro; and

Whereas, His geniality, church and business leadership will be sorely missed in Austin and throughout Texas, and it is appropriate that the Senate of the State of Texas pay tribute to this outstanding man; now, therefore, be it

Resolved, That the Senate of the State of Texas, by this Resolution, show honor and respect to the memory of Leighton M. Read and extend deep sympathy to the members of his family; and, be it further

Resolved, That a copy of this Resolution, under the Seal of the Senate, be prepared for his wife and mother, and that when the Senate adjourns this day, it do so in memory of Leighton M. Read.

HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Word and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Dr. Ira L. Kohler

(House Concurrent Resolution 151)

On motion of Senator Brooks and by unanimous consent, the President laid before the Senate the following resolution on its second reading:

Whereas, The death of Dr. Ira L. Kohler early today, May 24, 1967, has brought great sorrow to his friends and colleagues in the Texas Legislature, where he was serving his first term in the House of Representatives; and

Whereas, Dr. Kohler, who died at the age of 61, was born in Sunset, Louisiana on September 24, 1905, but his family moved to Houston soon afterwards; he attended Dow Elementary School, South End Junior High School and Central High School; he was graduated from The University of Texas Dental School and the Houston Law School and held D.D.S., M.S. and LL.B. degrees; and

Whereas, After 25 years of practice as an oral surgeon, he began his political life in 1952 with election to the Houston City Council, and during his two terms as councilman he was adamant in favor of increased fire and police protection, an "open door" council policy and changes in the city charter, which he termed "dictatorial and communistic"; and

Whereas, In 1953, he was appointed chairman of the mayor's committee of five on slum clearance, and his study resulted in present health and fire placarding ordinances by which Houston slum property can be condemned; and

Whereas, In 1957, after an unsuccessful candidacy for mayor—which he never allowed to dim his enthusiasm for governmental service—he threw his support to Oscar Holcombe in the run-off; and

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 60th Legislature extend deep sympathy to the family of this outstanding man, whose wisdom and dedication to his professional and public life served well his city and his state; and, be it further

Resolved, That copies of this Resolution be prepared for his wife and daughters and that pages in the Journals of the House and the Senate be set aside in respect to him; and when the two Houses of the Legislature adjourn this day that they do so in memory of Dr. Ira L. Kohler.

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read and was adopted by a rising vote of the Senate.

Senator Brooks was recognized and he addressed the Senate giving the highlights of the life of Dr. Kohler.

On motion of Senator Brooks and by unanimous consent those present in the Senate Chamber and in the Gallery of the Senate were requested to stand for a moment of silent prayer in tribute to Dr. Kohler.

Senator Brooks then moved that the names of the Lieutenant Governor and all of the Senators be added to the resolution as signers thereof.

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